

Protecting What Matters

# *Louisville Metro Police Department*

An Independent and Objective Assessment of the Department's  
Policies, Practices and Procedures, as well as Community Engagement

FINAL REPORT

January 27, 2021

*Confidential and Proprietary*



 HILLARD HEINTZE

A Jensen Hughes Company

January 27, 2021

Mayor Greg Fischer  
527 W. Jefferson Street  
Louisville, Kentucky 40202

Dear Mayor Fischer:

We are pleased to inform you that we have completed our top-to-bottom review of the Louisville Metro Police Department's (LMPD) policies, practices and procedures. Our final assessment report summarizes our key findings and recommendations for the City and the LMPD.

Our principal finding is that the LMPD and communities across the Louisville Metro area are in crisis. The Department needs to make major changes – some immediately. Acting on our key findings will require renewed commitment and holistic follow-through from the LMPD and City leaders during the next few years. We hope the community can be open to remediation and reconciliation as the Department demonstrates a willingness to improve and change.

Collectively, this assessment, as well as our key findings and recommendations, represent a clear roadmap to help the LMPD establish a new policing environment in which the Department and the community are equal partners in the coproduction of public safety. We are confident that if the City implements these recommendations consistently over time, the government and the LMPD can rebuild the LMPD's relationship with the communities in Louisville and the Metro region; increase public trust in the police; and significantly improve morale, training, and job fulfillment for personnel across the Department.

This report is a confidential and proprietary work document between Hillard Heintze and the Louisville-Jefferson County Metro Government. Thank you for trusting us to provide our unbiased perspective on this matter.

Sincerely,  
Hillard Heintze, A Jensen Hughes Company



Robert L. Davis  
Senior Vice President and Practice Lead  
Law Enforcement Consulting



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## *Executive Summary*

### **Strategic Context**

In 2020, the City of Louisville and the Louisville Metro Police Department (LMPD) were at the center of the national spotlight on police practices – especially in the aftermath of Breonna Taylor’s death. George Floyd’s death at the hands of police in Minneapolis, Minnesota intensified the focus, which led to a slew of investigations, including by the Federal Bureau of Investigation (FBI), and near constant protests since late May. Many of Louisville’s communities of color do not trust the police force due to generations of problematic relations. Additionally, many LMPD officers are unsure they want to be part of the Department and are considering leaving policing altogether.

The relationships among the City, its residents and its public safety personnel will continue to worsen until the LMPD embraces a clear path to improvement that technically identifies needed changes and improvements and aligns the Department’s policies, practices and procedures – especially in community engagement – with national standards and best practices in policing and public safety.

After conducting a competitive evaluation of the nation’s leading providers of law enforcement consulting firms, the City of Louisville-Jefferson County Metro Government selected Hillard Heintze to perform an independent assessment – and requested completion of the services and submission of a comprehensive draft report by the end of December.

### **Assignment**

On July 23, 2020, the City formally engaged Hillard Heintze to complete the following tasks:

- + **Data Analysis:** We analyzed specific digital LMPD data sets to determine if there were disparate outcomes or biases based on the race or ethnicity of those who interacted with LMPD personnel. The LMPD collected and analyzed the data from 2018 and 2019 in three categories: traffic stops, investigative stops and arrests.
- + **Assessment Services:** We performed a general review and assessment of the LMPD’s policies, procedures and protocols and compared these with best or emerging practices in progressive law enforcement agencies nationally. We focused primarily on assessing the following areas:
  - Use-of-force and associated policies and training
  - Search and arrest warrant planning and service
  - Crowd control policies, procedures, protocols and the associated training
  - Protocols for receiving, investigating, adjudicating and reporting complaints against LMPD personnel
  - Community-oriented policing strategies and the associated training



- Recruiting, testing, backgrounding, hiring and promoting LMPD personnel<sup>1</sup>
- De-escalation policies, tactics and the associated training
- Crisis intervention policies and the associated training
- Bias-free policing policies and the associated training
- Procedural justice policies and the associated training

The city added as an addendum on August 13, 2020 for Hillard Heintze to assess the LMPD's recruiting, testing, backgrounding, hiring and promotions.

## Methodology and Approach

During the course of this evaluation, the Hillard Heintze assessment team performed the following:

- + Conducted a kick-off meeting with key City and community stakeholders.
- + Participated in site visits and hosted community listening sessions.
- + Engaged in over 100 interviews and dozens of interactions with police officers, members of City government, community members and community stakeholders.
- + Solicited community input through emails, surveys and community-hosted meetings.
- + Reviewed extensive documents, such as policies, protocols and reports.
- + Conducted an analysis of the individuals who LMPD officers stop and arrest during vehicle and pedestrian stops to identify any indication of racial bias.

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## + SIX PRINCIPLES UNDERLYING OUR ANALYSIS

We performed our analysis and assessment based on six strategic principles:

1. Independent and objective assessments
2. Consideration of multiple perspectives and viewpoints
3. Focus on collaboration and partnership
4. Information-driven and decision-making mindset
5. A structured and highly disciplined approach
6. Clear and open communication

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<sup>1</sup> This report also includes an assessment of the LMPD's recruiting, testing, backgrounding, hiring and promotion process per contract amendment #1, dated August 12, 2020.



## Interviews

We interviewed stakeholders, including the LMPD command staff and members at levels of sworn and non-sworn personnel. We also met with Louisville Metro council members and other Louisville Metro government employees from Human Resources, the Public Defender's Office and the Jefferson County Attorney's Office. We engaged many community members and organizations during this process and held listening sessions with organizations that represent the diverse makeup of the City of Louisville. We met with individuals who reached out to our team of their own accord. We also held a public information session on October 10, 2020 to brief the public on the scope of the project and how they could reach out to us to share their perspectives. Maintaining confidentiality was of utmost importance during this process. All participants' viewpoints and statements are non-attributational.

## Recommendations

Our recommendations emerge from our key findings, analysis and observations, and the knowledge we gleaned during decades of leading and advising public safety agencies with comparable challenges. Our recommendations align with the key domains we evaluated – from use of force to bias-free policing and procedural justice – and are based on what works and what does not in our experience. Taken together, our recommendations collectively represent an actionable roadmap to build a stronger department and an improved relationship between police and residents that is based on mutual trust, respect and collaboration.

## The Hillard Heintze Assessment Team

Hillard Heintze, a Jensen Hughes company, is one of the leading law enforcement and public safety consulting firms in the United States and the world. Since 2004, we have helped drive critical advancements in public safety at the international, federal, state and local levels that are changing how police departments view and execute their missions and collaborate with communities to keep residents safe and officers fulfilled and secure in their careers. In addition to guiding dozens of agencies, our team has helped foster the critical advancements in policing called for in the Final Report of the President's Task Force on 21st Century Policing. We also served as the U.S. Department of Justice's sole service provider for the Community Oriented Policing Services (COPS) Office Collaborative Reform Initiative for Technical Assistance (CRI-TA). As subject matter experts, we developed the seminal U.S. DOJ COPS Office's publication, "Law Enforcement Best Practices – Lessons Learned from the Field," a guide for modern police reforms throughout the United States. The biographies of our team members who contributed to this engagement are in **Appendix D**.





## Key Findings

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### 1. A DEPARTMENT IN CRISIS

Today – 10 months after Breonna Taylor's death and under the glare of the nation's spotlight on police practices – the LMPD and communities across the Louisville Metro area are still very much in crisis. The Department needs to make major changes – some of them immediately and others over the next three-to-five years. Acting on each of these key findings requires a renewed commitment and holistic follow-through by the LMPD and City leaders over the next few years – and openness on the part of the community as the Department demonstrates a willingness to improve and change. The most important path forward is one that truly engages the community as a full partner in the future of the Department.

### 2. COMMUNITY TRUST

The relationship is deeply strained between the LMPD personnel and many communities, especially in Black neighborhoods. The Department has not embraced a comprehensive, strategy-driven approach to systematically establishing a relationship of mutual trust and providing equitable treatment across each of the communities it serves.

#### Sampling of How Louisville's Communities of Color View the LMPD

Residents' references to the LMPD's adverse treatment of community members included many statements like the following:

- + "The police don't understand the community"
- + "We only see the Chief when something happens"
- + "Black communities are over-policed"
- + "Command staff doesn't come to community meetings"
- + "Officers don't empathize with the community"

### 3. DEPARTMENT MORALE

All LMPD personnel are confronting increasingly higher levels of on- and off-the-job stress. A strong majority (75 percent) of respondents to our survey of LMPD personnel indicated they would leave the Department if they could. Although not confirmed through empirical data, national trends appear to indicate officers are leaving policing in larger cities across the U.S. However, our survey of LMPD officers and other data indicate that this trend is a much higher in the LMPD than we have seen in other jurisdictions.



In other survey responses and interviews, officers consistently expressed concerns about a lack of support and leadership from the Department's upper management and an unhealthy work environment that undermines morale and leads to confusion about the Department's mission and how their responsibilities relate to it. LMPD personnel also commented that their sense that the community does not support them has significantly impacted their morale.

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#### **4. CULTURAL CHANGE**

Perceptions persist among many community members that the culture within the LMPD stifles any meaningful collaborative relationships. They believe officers escape consequences for discipline matters and that the Department is generally unwelcoming to its Black officers. These sentiments are also shared by some LMPD members.

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#### **5. ORGANIZATIONAL LEADERSHIP AND COMMAND**

The Department does not strategically address its priorities through an established mission and core set of values supported by clear communications to its rank-and-file members, well-defined policies, comprehensive training, or effective supervision and feedback in the field. Instead, policy and operating decisions tend to be ad-hoc, reactive, inconsistent and insufficiently transparent to LMPD stakeholders from its officers to members of the community.

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#### **6. SUPERVISION**

The LMPD is confronting high levels of attrition at the officer level and the supervisory level for lieutenants and sergeants. The Department has not fully staffed frontline supervisory positions, causing the Department to position patrol officers, who have not been trained for these duties, as acting patrol sergeants responsible for directing a team of officers. In addition, the Department does not ensure that mandatory supervisory and management training either precedes or follows promotions in a timely manner.

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#### **7. RECRUITING AND RETENTION**

Like police agencies across the nation, the LMPD faces challenges in its efforts to recruit and retain officers. The Department's performance in these areas is hurt in part by comparatively low wages, which drive candidates and officers to seek employment elsewhere, and by a high and increasing rate of retirement, which creates an experience and leadership vacuum. For example, the Patrol Training Officers were primarily senior officers who drew upon their many years of experience to train and mentor younger officers. However, these experienced Patrol Training Officers are leaving the LMPD and being replaced by officers with fewer than four years of experience.



## 8. ORGANIZATIONAL AUDIT CONTROLS

The LMPD does not regularly or thoroughly audit internal programs. The Department only conducts limited formal reviews of its operations to ensure adherence to policies. For example, the LMPD turned off the auditing and tracking controls of its internal affairs<sup>2</sup> case management software, which tracked the individuals who accessed internal affairs investigations, leaving the confidentiality of these investigations vulnerable to exposure and influence. A robust auditing process would prevent such actions and help ensure compliance with policies and procedures.

## 9. USE OF FORCE AND DE-ESCALATION TRAINING

The LMPD provides use of force and de-escalation training aligned with national best practices known as Integrating Communications, Assessment, and Tactics (ICAT). The Department was one of the first major cities in the nation to do so, having trained over 1,000 LMPD members of all ranks.

### De-Escalation Training

The LMPD's de-escalation training has been successful. Between 2018 and 2020, the Department achieved the following:

- + A 28.1 percent reduction in use of force
- + A 26.3 percent reduction in injuries to members of the public
- + A 36 percent reduction in officer injuries

## 10. POLICY GUIDANCE

Ongoing policy changes create operational confusion and, by extension, risks to the community, officers and the Department as a whole. For example, the LMPD's use of force policy, which is governed by Louisville Metro Police Department Standard Operating Procedure (SOP) 9.1, was revised 10 times between 2015 and 2020, including revisions in November 2019, June 2020 and September 2020. Many of these changes were needed to stay current with updated laws and ordinances impacting LMPD policies.

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<sup>2</sup> The term 'internal affairs' (IA) commonly refers to the processes by which law enforcement agencies investigate complaints against their personnel. The LMPD's Professional Standards Unit (PSU) performs these internal affairs investigations of complaints against LMPD officers. In this report, we use the terms internal affairs and PSU interchangeably.



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## 11. ARREST, USE OF FORCE AND BIAS

Louisville Metro residents in communities of color perceive the Department's use of force as unduly severe and without explanation, rationale or accountability. They also view the LMPD's investigations into incidents involving its members and the findings and outcomes of these inquiries as lacking transparency. Based on our analysis and the proportional representation of Black residents in the Louisville and Metro population, Black residents are more likely to be arrested than white residents, but no more likely to be subjected to force during an arrest.

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## 12. DISPROPORTIONATE ENFORCEMENT OUTCOMES

Our analysis determined that strong evidence exists indicating Black individuals are treated disproportionately in every category – electronic stop data, paper stop data, field contacts, arrests and citations. We recognize that variables such as crime and disorder in the area of the stop must be considered when determining whether bias occurred.

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## 13. DIVERSITY OF PERSONNEL

The LMPD needs to focus on diversifying its staff, which is a best practice for organizations that are striving to build community trust and collaborative working relationships. Across the Department's eight divisions, only 6.2 percent of the Department's sergeants and 10.3 percent of lieutenants are officers of color. To put this in context, Black members comprise 12.5 percent of the LMPD and white members comprise 82 percent.

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## 14. SEARCH WARRANTS

Before Breonna Taylor's tragic death, the LMPD modified its policies to improve practices for drafting and serving search warrants. Our review identified that the Department does not always follow these policies and protocols, which sometimes resulted in operational practices that did not reflect policy requirements. Furthermore, the LMPD has not delivered training that supports the policies to the entire Department. For example, although the LMPD developed a search warrant training course for detectives, new detectives do not necessarily go through this training block before being tasked to develop an affidavit and execute a search warrant.



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## 15. BIAS-BASED POLICING

The LMPD adopted policies to reduce the influence of officer bias, whether overt or unconscious, but the Department has not yet implemented effective ways to extend this policy guidance to training and enforcement in the field, nor has it developed methods to measure and assess its effectiveness. Our observations and data analysis confirm the perspectives independently shared by communities of color that LMPD officers disproportionately police certain groups, particularly Black residents.

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## 16. CROWD CONTROL

The LMPD was unprepared for the unprecedented level of violence associated with the protests in Louisville at the end of May and early June 2020. Although the Department improved its response, it still needs to update its crowd control policy and bring greater structure, accountability and post-incident learning to incidents and operational execution.

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## 17. DEPARTMENT ACCOUNTABILITY

The LMPD does not have a robust accountability process for handling public or internal complaints, a deficiency that undermines the organization's transparency and legitimacy. The LMPD's practices for accepting complaints against its personnel is not sufficiently transparent and, as a result, presents challenges regarding the legitimacy of the process. The Department does not clearly communicate the ways to file complaints against an officer, nor does it take full advantage of social media or web-based platforms that could facilitate this critical communication. Furthermore, the Department does not always inform complainants of actions throughout the process. For all complaints, the extensive delays to the complaint adjudication process are highly destructive to community trust and officer morale. Although the LMPD publishes quarterly discipline reports, the reports are not readily accessible or easy for the public to find.

### *A New Path Forward*

The LMPD's challenges in operations, community relations and officer morale, among other issues, are so acute that the only path forward is fundamental and systemic rebuilding from both a top-down and bottom-up, system-wide approach – a true transformation of the Department. The community needs to be intimately involved in this process. The Department needs to shift its focus from an internally driven process to a “community-centric” one. The LMPD's leadership needs to acknowledge that they can't do it alone.

This requires a new vision for public safety in Louisville, a partnership between the Department and its community, such as what we refer to as 'Co-Production of Public Safety.' (CPPS)





## 01 Data Analysis

The first phase of this engagement involved a data analysis to understand the effect of race on officers' traffic stops, field contacts and arrests. After analyzing the data for traffic stops, field contacts and arrests, we determined that Black individuals are over-represented in the data reported. Community members we interviewed believe that the LMPD conducts disproportionate stops. This finding is consistent with other parts of our study in which community members reported that they believed the LMPD disproportionately stopped persons of color. It also supports the conclusion that at least some of the disparities in the over-representation of Black individuals in the data analyzed may result from the LMPD racial bias on the part of some personnel. Further analysis of the data is contained in **Appendix A**.

### Louisville Metro Population

The Louisville Health Equity Report<sup>3</sup> identifies the top racial categories as white at 68.9 percent and Black at 21.2 percent in 2015. Table 1 identifies the breakdown by identified racial category.

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Table 1: Louisville Population by Race in 2015

Race	Population	Percent of Population
White	526,229	68.9
Black	161,960	21.2
Hispanic	37,359	4.9
Asian	20,201	2.6
Other and Multiple Races	17,874	2.3
<b>TOTAL</b>	<b>763,623</b>	<b>99.9<sup>4</sup></b>

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3 "Louisville Metro Health Equity Report 2017." Center for Health Equity, 2017. <https://louisvilleky.gov/center-health-equity/document/2017healthequityreportpdf>

4 The total does not equal 100 percent due to rounding.



The LMPD is divided into eight patrol divisions. The racial breakdown and stops by division are shown below.<sup>5</sup>

Table 2: Traffic Stops by Division in 2019

Division	1	2	3	4	5	6	7	8
Total Stops	2,754	2,446	4,871	4,671	5,447	6,231	4,972	5,097
% Stops by Division	7.5	6.7	13.3	12.8	14.9	17	13.6	14
Number of Officers Per Division	104	81	86	92	56	70	68	61
% Officers by Division	17	13	14	15	9	11	11	10
% Black Population by Division	56	81	11	27	5	25	11	9
% Stops Involving Black Drivers by Division	58	70	24	47	26	33	21	20
Dispatched Calls for Service by Division	53,672	41,718	56,642	69,329	27,532	43,507	42,674	34,333
% Calls for Service by Division	15	11	15	19	7	12	12	9

For the full data analysis of the racial disproportionality in the LMPD’s traffic stops, field contacts and arrests based on the LMPD’s records, refer to **Appendix A**.

### Traffic Stops

The U.S. Bureau of Justice Statistics reports that nine percent of all police-community contacts are traffic stops.<sup>6</sup> Because traffic stops are the most common police-initiated contact, traffic stop data is an important source of information about police-community encounters. This is especially true because officers exercise significant discretion when initiating these encounters, as they are rarely dispatched and are often the result of self-initiated activity. As such, the data can reflect whether officers’ biases affected the number of traffic stops.

<sup>5</sup> The LMPD provided the demographic and officer staffing data for this analysis.

<sup>6</sup> Davis, Elizabeth; Anthony Whyde. U.S. Department of Justice, Bureau of Justice Statistics, 2018, Contacts Between Police and the Public, 2015.



In 2019, the LMPD reported conducting 38,142 traffic stops, or approximately 105 per day. Forty percent of the citations that LMPD officers wrote were for failure to wear a seat belt, improper registration or driving without insurance. The LMPD has both a paper and electronic reporting system for traffic stop data and maintains two traffic stop files. The first file consists of electronic entries made by officers, and the second consists of entries on paper forms. Officers fill out paper forms when they do not have access to a computer or when the traffic stop resulted in a verbal warning rather than a citation.

The two LMPD divisions (One and Two) with the highest percentage of Black residents have the fewest number of traffic stops.<sup>7</sup> In these divisions, the percentage of Black drivers who LMPD officers stop is comparable to the percentage of Black residents in the division.<sup>8</sup>

However, in the LMPD divisions with the smallest percentage of Black residents, as noted in the table above, officers stopped a relatively high percentage of Black drivers. For example, in the Fifth Division, Black individuals represent five percent of the population in the division, but 26 percent of the stops involved Black drivers. In the Third, Seventh and Eighth Divisions, LMPD officers are approximately twice as likely to stop Black drivers as we would expect based on population. This contributes to the concern that some officers may stop Black drivers in areas of the Metro region where the total Black population is low because officers may perceive the Black drivers to be out of place.

### Overall Racial Distributions for Traffic Stops

As shown in Table 3, 59 percent of traffic stops involved drivers who are recorded as white. Drivers recorded as Black accounted for the second highest number of stops with 34 percent. This compares to the overall population figures of 68.9 percent for white individuals and 21.2 percent for Black individuals, which shows Black individuals are over-represented based upon overall population figures.

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<sup>7</sup> We use the electronic data in this section as it is the most easily accessed and consistent given the alignment with citations issued.

<sup>8</sup> See Table 25 in Appendix A.



Table 3: Distribution of Traffic Stops in 2019 by Race

Race of Driver	Number of Traffic Stops	Percentage of Traffic Stops	Percentage of Louisville Metro's Total Population
White	22,572	59	68.9
Black	12,795	34	21.2
Hispanic	2,047	5	4.9
Asian	421	1.1	2.6
Blank	255	0.7	-
American Indian	32	0.08	-
Unknown	13	0.03	-
Middle Eastern	6	0	-
Indian/India/Burmese	1	0	-
<b>TOTAL</b>	<b>38,142</b>	<b>99.91<sup>9</sup></b>	<b>97.6<sup>10</sup></b>

### Consent Searches

According to the Supreme Court case *Schneckloth v Bustamonte*, “It is well-settled that one of the specifically established exceptions to the requirements of both a warrant and probable cause is a search that is conducted pursuant to consent.”<sup>11</sup> When a law enforcement officer obtains valid consent to search a vehicle, neither reasonable suspicion nor probable cause is required. Therefore, as the Supreme Court noted, “[I]n situations where the police have some evidence of illicit activity, but lack probable cause to arrest or search, a search authorized by valid consent may be the only means of obtaining important and reliable evidence.”<sup>12</sup> Consent searches have shown evidence of racial bias in other jurisdictions, such as identified in a study of Illinois consent search data by the American Civil Liberties Union (ACLU).<sup>13</sup>

<sup>9</sup> The total does not equal 100 percent due to rounding.

<sup>10</sup> The total does not equal 100 percent due to the different categories of race included in the study.

<sup>11</sup> *Schneckloth v. Bustamonte*, 412 U.S. 218, Supreme Court, 1973.

<sup>12</sup> *Ibid.*

<sup>13</sup> “Racial Disparity in Consent Searches and Dog Sniff Searches.” ACLU of Illinois, 31 July 2017. <https://www.aclu-il.org/en/publications/racial-disparity-consent-searches-and-dog-sniff-searches>



Table 4: Comparison of LMPD Consent Searches in 2019

Race of Driver	Number of Traffic Stops	Number of Vehicle Consent Searches	% of Consent Searches that Occurred During a Traffic Stop
White	22,572	194	0.86
Black	12,795	107	0.84

Table 4 reflects the LMPD’s consent search data from 2019, which indicates that LMPD officers rarely perform consent searches and when they do, the percentage of Black drivers who consent to a search is not significantly different from white drivers who consent to a search. We note this lack of evidence of bias. Approximately 20 years of research on police traffic stops has determined that bias in consent searches is common in many agencies across the country; however, it is commendable that the LMPD has not demonstrated such bias.

### Field Contacts and Interviews

LMPD Standard Operating Procedures, Number 3.6 Field Contacts/Pat Down Searches, revised August 1, 2019, provides the guidance and standards for officers to engage in stops and to conduct field interviews. A field interview begins with a brief stop of an individual to determine whether a crime has been or is about to be committed. The LMPD policy defines a field interview as “the gathering of detailed information from a person, (who is) a possible suspect or witness, or visual observation that may provide useful information on criminal activity that has occurred, is occurring, or may occur in the future.” The LMPD policy further states that officers “will conduct field interviews and pat down searches in an impartial and courteous manner, free of bias, and in accordance with applicable laws and the Standard Operating Procedures (SOPs) of this department.”<sup>14</sup>

In 2019, LMPD officers completed 2,153 Field Contact Reports. Table 5 reflects the field contact data recorded in the LMPD records management system. The LMPD does not require that officers fill out a field contact report for every stop, and it is the officer’s discretion to complete one. However, if an officer completed a field contact report, the data would be accounted for in this data.

<sup>14</sup> LMPD Standard Operating Procedures, “3.6 Field Contacts/Pat Down Searches.” Louisville Metro Police Department, Louisville, KY, 1 August 2019





The top two racial categories are consistent with the traffic stop data<sup>15</sup> with white individuals accounting for 49 percent of contacts and Black individuals accounting for 44 percent. Five percent of the reports did not state the race of the individual stopped, which can affect any analysis based upon race.

Table 5: Racial Distribution for Field Contact Reports in 2019 by Race

Race of Field Contact	Number of Field Contacts	Percentage of Field Contacts	Percentage of Louisville Metro's Total Population
White	1,064	49	68.9
Black	950	44	21.2
Blank	103	5	-
Unknown	13	0.6	-
Hispanic	12	0.6	4.9
Asian	6	0.3	2.6
Middle Eastern	3	0	-
Alaska Native	2	0	-
<b>TOTAL</b>	<b>2,153</b>	<b>99.5<sup>16</sup></b>	<b>97.6<sup>17</sup></b>

The data reveal that LMPD officers disproportionately stopped Black individuals compared to their representation in the overall population. Because of this disparity, we reviewed the field contacts of Black individuals by division.

<sup>15</sup> The racial categorizations are different than those for traffic stop data because this dataset uses a different way to categorize race.

<sup>16</sup> The total does not equal 100 percent due to rounding.

<sup>17</sup> The total does not equal 100 percent due to the different categories of race included in the study.



Table 6: Field Contacts by LMPD Division in 2019<sup>18</sup>

Division	Total Number of Field Contacts	Number of Field Contacts of Black Individuals	Percentage of Field Contacts of Black Individuals
1	271	152	56
2	259	207	80
3	251	48	19
4	314	136	43
5	406	91	22
6	137	70	51
7	103	16	16
8	79	17	22
Division not stated	305	198	65
<b>TOTAL</b>	<b>2,125</b>	<b>935</b>	<b>44</b>

### Arrest Data by the Subjects' Race

The LMPD arrest data we reviewed contains 116,558 individual records; 52,103 are for arrested individuals, and 64,455 are for individuals who were cited for non-traffic related criminal offenses but were not arrested. For our analysis, we combined these categories, as they represent enforcement actions taken by officers.

<sup>18</sup> In order to be included in the total, the record must include both the race and division. Therefore, the number of contacts in Table 5 differs from the numbers listed in Table 6.



Table 7: The LMPD’s Arrest Records by Race in 2019

Race of Arrestee	Total Number of Arrests	Percent of Total Arrests	Percentage of Louisville Metro’s Total Population
White	66,504	57	68.9
Black	47,990	41	21.2
Asian	884	0.80	-
Blank	444	0.40	N/A
Hispanic	400	0.30	4.9
Unknown	198	0.20	-
American Indian	84	0.10	-
Middle Eastern	46	0.04	-
Burmese	5	0	-
Alaska Native	3	0	-
<b>Total</b>	<b>116,558</b>	<b>99.84<sup>19</sup></b>	<b>97.6<sup>20</sup></b>

As seen in Table 7, white individuals account for 57 percent of the enforcement records and Black individuals account for 41 percent. The officer did not complete the race of the subject in 444 records. White individuals are less represented based on their proportion of the total population (68.9 percent), while Black individuals are over-represented (21.2 percent).

**Summary of Racial Disproportionality in the LMPD’s Stop Data**

Our data analysis showed several areas in which policing appears racially disproportionate. Our strategy was to compare the percentage of stops of people of color to their percentage of the total population. Our analysis determined that strong evidence exists indicating Black individuals are treated disproportionately in every category – electronic stop data, paper stop data, field contacts, arrests and citations. We recognize that variables such as crime and disorder in the area of the stop need to be considered when determining whether bias occurred.

<sup>19</sup> The total does not equal 100 percent due to rounding.

<sup>20</sup> The total does not equal 100 percent due to the different categories of race included in the study.



As a caveat to our analysis, we used population data provided by the City.<sup>21</sup> Additionally, many stop records left the race field blank or the race was listed as unknown. We excluded those stops from this analysis. Finally, we combined the racial groups with a small number of stops in to the “other” category.

## Recommendations

Rec. #	Recommendation
1.1	Standardize data collection efforts so the categories are the same across all platforms. For example, integrate the paper and electronic traffic stop files so the collected data on racial and ethnic categories is the same.
1.2	Eliminate the use of the ‘unknown’ or ‘missing’ in data entry.
1.3	Ensure every field contact that meets the policy definition results in a field contact record.
1.4	Adopt a traffic stop information collection instrument that creates a comprehensive overview of race and traffic stops (see Appendix A).

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<sup>21</sup> Davis, Elizabeth; Anthony Whyde. U.S. Department of Justice, Bureau of Justice Statistics, 2018, Contacts Between Police and the Public, 2015.



## 02 Assessment of Policies, Practices and Protocols

### 2.1 Use of Force and De-Escalation

#### Policies

The LMPD Standard Operating Procedure (SOP) 9.1 governs LMPD members' use of force.<sup>22</sup> Many parts of the policy are consistent with best or recommended practices. For example, the SOP is consistent with the Kentucky Association of Chiefs of Police Accreditation's standards on the use of force, less-lethal weapons and firearms discharge.<sup>23</sup> Additionally, multiple sections of the SOP are directly attributed to practices recommended by the National Organization of Black Law Enforcement Executives' (NOBLE) recommendations, including the requirement to only use reasonable force; the prohibition of deadly force for fleeing misdemeanor or non-violent felony suspects; the avoidance of head, neck, throat or clavicle strikes with an impact weapon unless deadly force is justified; and the requirement that the use of any chemical weapon be reasonable.

However, SOP 9.1 is vague in places and leaves room for errors based on LMPD personnel's subjective interpretations. Although no policy is totally comprehensive, especially when dealing with terms such as "reasonableness," as discussed further below, some changes to the policy could help mitigate ambiguous language.

#### Value-Driven Policies

It is extremely important that the LMPD's values serve as the basis of the Department's policy, training and decision-making regarding use of force. By embracing shared values, an organization can produce a positive culture. This is crucial because in the absence of rules or policies during a rapidly evolving, time-compressed encounter, officers may react based on intuition or recognition-primed decision-making,<sup>24</sup> which tend to be driven by cultural expectations. When relying on these learned behaviors, officers may make errors due to their lack of skill or knowledge or the absence of specific rules.<sup>25</sup>

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#### + KEY CONCEPT

##### Use of Force

Use of force is one of the highest profile issues facing policing today. Use of force ranges from verbal commands to deadly force. According to the National Institute of Justice's webpage regarding police use of force:

"Broadly speaking, the use of force by law enforcement officers becomes necessary and is permitted under specific circumstances, such as in self-defense or in defense of another individual or group."

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<sup>22</sup> LMPD Standard Operating Procedures, "9.1 Use of Force." Louisville Metro Police Department, Louisville, KY.

<sup>23</sup> Accreditation Program Manual, Sixth Edition. Kentucky Association of Chiefs of Police. Revised September 2020

<sup>24</sup> Defined as a model that describes how experienced people can make rapid decisions.

<sup>25</sup> Reason, James. *Human Error*. Cambridge University Press, 1990.





The LMPD has some components focused on value in its policy. For example, SOP 9.1 states that “officers’ use of force will be value driven, utilizing only the force reasonable under the circumstances in order to minimize the chance of injury to themselves and others.”<sup>26</sup> However, this statement is not supported by any specific or formal Department value statement, as national organizations recommend. According to the International Association of Chiefs of Police’s (IACP), “It should be the foremost policy of all law enforcement agencies to value and preserve human life.”<sup>27</sup> Language about the preservation of human life sets the tone for officers so they prioritize what is most important as they carry out their duties. The LMPD should include this supporting language in the Department’s overall mission and values statements.

A value-driven approach to use-of-force decisions is a component of the Critical Decision-Making Model<sup>28</sup> included in the Integrating Communications, Assessment, and Tactics (ICAT) de-escalation training that LMPD officers receive. The center of that model – ethics, values and proportionality – is the basis for all use-of-force decision-making. The sanctity of life principle is an overarching emphasis in this model. The LMPD trained officers on this model and SOP 9.1.1 recognizes the importance of the sanctity of human lives and respecting basic human rights. However, many progressive law enforcement agencies have enshrined these values in their written missions and values statements, and we encourage the LMPD to do the same.

Three sources influence an officer’s determination to use force: policy, training and decision-making. Value-based decisions allow an officer to make the right decision. If an officer has clear guidance from policies and training or their decision-making skills, the officer is more likely to deeply understand Department’s values and incorporate them into a use-of-force decision. An officer may not know exactly what to do, but a strong set of core values, as established by the organization, can tell them what not to do when it comes to making use-of-force decisions.

### **Reasonableness Standard**

SOP 9.1 establishes the overall foundation for determining the appropriateness of and the justification for uses of force.

“Justification for the use of force must be limited to what reasonably appears to be the facts known, or perceived, by an officer under the circumstances. Facts not known to an officer, no matter how compelling, cannot be considered in later determining whether the use of force was justified. When an officer is confronted with a situation that may necessitate the use of physical force, he/she should call for additional officers, when practicable.”<sup>29</sup>

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26 LMPD Standard Operating Procedures, “9.1 Use of Force.” Louisville Metro Police Department, Louisville, KY.

27 National Consensus Policy and Discussion Paper on Use of Force. International Association of Chiefs of Police, 2017, revised July 2020.

28 Guiding Principles on Use of Force. Police Executive Research Forum, Washington, D.C., March 2016.

<https://www.policeforum.org/assets/30%20guiding%20principles.pdf>

29 LMPD Standard Operating Procedures, “9.1 Use of Force.” Louisville Metro Police Department, Louisville, KY.



The preceding passage addresses the concept of objective reasonableness; however, it does not specifically state that the application of the standard set by the *Graham v. Connor* U.S. Supreme Court ruling determines reasonableness. We recommend the LMPD add language to the SOP to ensure continuity throughout the procedure. Guidance from the IACP's "National Consensus Policy and Discussion Paper on Use of Force" explains the need for language clarity.

"The use of commonly employed terms and phrases, even though well intentioned, can cause unexpected and unnecessary consequences for the officer and the agency. For example, phrases like 'officers shall exhaust all means before resorting to the use of deadly force' present obstacles to effective defense of legitimate and justifiable uses of force. Such language in a policy can unintentionally impose burdens on officers above those required by law."<sup>30</sup>

Courts have set a clear standard for determining reasonableness regarding use of force. It only makes sense to have SOPs, whenever applicable, mirror the standard by which officers' behavior will be scrutinized. In its ruling in *Graham v. Connor*,<sup>31</sup> the Supreme Court held that the "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." The Supreme Court then outlined a non-exhaustive list of factors for determining when an officer's use of force is objectively reasonable:

- + The severity of the crime at issue
- + Whether the suspect poses an immediate threat to the safety of the officers or others
- + Whether the suspect is actively resisting arrest or attempting to evade arrest by flight

Using this objective, reasonable standard could help reduce ambiguity; set realistic performance expectations for officers; and assist with establishing for the police, residents and local government a shared understanding of what it means to be 'reasonable.'

However, based on growing public concern, public safety agencies and their local government bodies are reviewing and, in some jurisdictions, modifying use-of-force policies to address local issues. Communities across the country are questioning whether to permit chokeholds, and many legislative bodies are enacting changes that address this tactical option. For example, the State of Illinois statutorily banned a chokehold unless deadly force is required.<sup>32</sup> The LMPD was also proactive in taking steps to ban chokeholds as described in Section 9.1.5 of its use of force policy. Other agencies, such as the San Francisco Police Department (SFPD),<sup>33</sup> have promulgated policies that are more restrictive than allowed under *Graham v. Connor* in response to local issues and a belief that a change in policy will drive necessary behavioral change. Since enacting its use-of-force policy, the SFPD has achieved a reduction in overall use of force and the seriousness of the force required.

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30 *National Consensus Policy and Discussion Paper on Use of Force*. International Association of Chiefs of Police, 2017, revised July 2020.

31 *Graham v. Connor*, 490 U.S. 386, Supreme Court, 15 May 1989.

32 720 ILCS 5/7-5.5. "Illinois Compiled Statutes." Illinois General Assembly.

33 *Use of Force*. "General Order." San Francisco Police Department, revised 21 December 2016.

<https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO5.01%20Use%20of%20Force.pdf>



We recognize that the public safety community continues to debate whether the *Graham v. Connor* court standard is enough or if higher standards for personnel are required.<sup>34</sup> In Louisville, police, City and community stakeholders should determine the LMPD's stance on this issue in tandem with Metro attorneys.

### **Deadly Force Against Individuals Who are Considering Suicide**

SOP Section 9.1.5 allows officers to use physical force to prevent an individual from completing suicide or inflicting serious physical injury upon themselves. The policy does not state that officers should avoid using deadly force to stop individuals who are only a threat to themselves unless the individual poses an imminent risk to the officer or others in proximity. If an individual attempts to inflict self-harm, the officer should consider less-lethal options and de-escalation techniques, if practical.

This restriction on the use of deadly force against individuals threatening self-harm is consistent with the ICAT training and the *Graham v. Connor* standard, which require that officers consider the nature of the crime committed and note that the use of force should be proportional to the crime. In a situation in which someone is only a harm to themselves, the focus should be on preservation of life.

### **Progression of Force and Conducted Electrical Weapon Use**

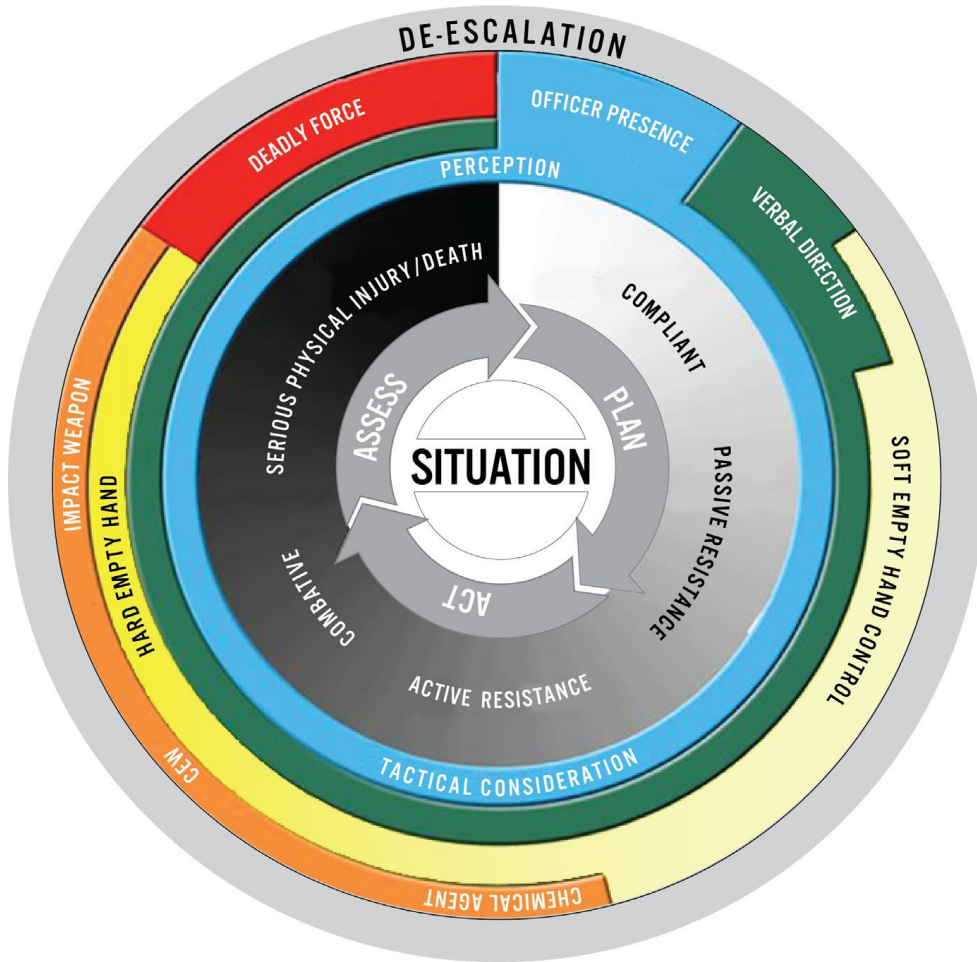
The LMPD's use-of-force progression model, as depicted in Figure 1, represents the training officers receive for making decisions regarding the use of force. This model reflects best practices, as it does not use a linear use-of-force continuum; rather, it reflects how force decisions are interconnected. The LMPD expects officers to use the lowest level of force reasonably expected to resolve the situation. However, this model recognizes that sometimes what is reasonable requires immediate action that does not allow an officer to exercise all available use-of-force options in a mandated sequence.

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<sup>34</sup> *Guiding Principles on Use of Force*. Police Executive Research Forum, Washington, D.C., March 2016.  
<https://www.policeforum.org/assets/30%20guiding%20principles.pdf>



Figure 1: The LMPD's Progression of Force Model



In the LMPD Progression of Force model, the implementation of a conducted electrical weapon (CEW) is appropriately at a higher level of force than a chemical agent. An officer may deploy a CEW before engaging in hard empty-hand techniques (e.g., punches, kicks, knee strikes, takedowns). However, SOP Section 9.1.8 is unclear regarding when an officer can use a CEW due to the inconsistency of the language, as demonstrated in the following passage:



“The use of CEWs will be consistent with departmental training and is authorized on subjects who present an immediate danger to the safety of the officers, or others, when the officer reasonably believes the use of the CEW may mitigate the immediate danger. For the purposes of this policy, immediate danger is when a subject’s actions are likely to cause immediate injury to an officer or another person.”<sup>35</sup>

In contrast, the progression model allows an officer to use the CEW between when a subject actively resists but before the subject becomes combative. A subject who is actively resisting but has not yet become combative may be hard to describe as presenting an “immediate danger,” thereby forcing an officer to wait until actively engaged with a combative subject. The language in the written policy should be clearer on this issue.

Some focus group members and interviewees described their confusion about the inconsistency between the SOP and the progression model. Some officers expressed hesitancy to use the CEW because of the subjectivity of some supervisors’ determination about whether a subject’s actions constituted immediate danger. The LMPD must revise the SOP if it expects officers to understand and follow the use-of-force policy appropriately.

### **Policy Modifications**

The LMPD revised its use-of-force SOP 10 times between 2015 and 2020, including revisions in November 2019, June 2020 and September 2020. While this timeframe has seen marked changes in the approach to use of force, officers consistently shared with us that it is difficult to keep up with policy and process changes. When we asked LMPD personnel if they were comfortable with their knowledge of the SOPs, most replied they were not confident in their ability to recall and perform to the LMPD’s standards.

Reactive modifications to policies are not good practice, particularly policies involving risk such as use of force. When legal changes require policy modification, training should support the change to help officers understand the modification and reason for it. The LMPD tracks policy changes via PowerDMS, which notifies officers of policy changes and requires they acknowledge receiving, reading and understanding the changes. However, the LMPD does not generally provide training to accompany the delivery of the new policy, such as when the Department updated the use-of-force policy. The LMPD could adopt a policy by which the Department reviews SOPs on a regular basis, establishes a schedule for ongoing policy reviews, and ensures it trains officers on policy changes when appropriate.

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<sup>35</sup> LMPD Standard Operating Procedures, “9.1 Use of Force.” Louisville Metro Police Department, Louisville, KY.



## Training

### The Connection between Training and Organizational Values

LMPD interviewees and our review revealed that the Department does not clearly link its use of force, firearms, defensive tactics and CEW training to its purpose, mission and/or values statements. Such links help officers understand why the content is relevant to their jobs and the agency's overall goals. Communication and training allow officers to understand the reason for the policy and its connection to the organizational values, thereby avoiding confusion regarding a change in policy, training or agency expectations. These links are especially important to avoid decision errors when an officer must consider a use of force because the misuse of force creates justifiable community concern, as well as significant liability issues.

Most law enforcement training is delivered in blocks, with sessions dedicated to specific subject matter. This is how the LMPD designs and delivers most of its training. This is not a unique approach, as block training is generally the most cost-effective and easiest way to schedule training for law enforcement agencies, which face differing work schedules and the need to backfill those officers' positions to schedule training. However, research shows that block training is the least effective method for long-term skill retention.<sup>36</sup> One study showed significant degradation of officers' skills only 16 weeks after leaving the training academy. Despite the known ineffectiveness of block training, it remains the norm throughout much of the policing profession and within the LMPD. The LMPD should integrate its use-of-force training into a single, multidisciplinary approach in which the trainers responsible for covering firearms and other use-of-force topics, respectively, operate with each other.

A multidisciplinary approach would help improve officers' overall understanding of how various use-of-force options are interrelated. Under the block-training model, personnel often learn different use-of-force skills in separate blocks of training, rather than in a multidisciplinary training environment in which the use-of-force training components are tied together so personnel may see how they may be used depending on a specific situation. Such a multidisciplinary approach should include enhanced, scenario-based training and subsequent assessments for optimal motor-skill learning and retention for all aspects of use of force. The Department should also increase instructor resources. Because the LMPD teaches use-of-force options using the use-of-force progression model, the training should cover decision-making that explains how officers should select the appropriate use of force based on the situation. To implement this multidisciplinary approach, the LMPD should cross-train its use-of-force instructors.

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<sup>36</sup> O'Neill J, O'Neill DA, Weed K, Hartman ME, Spence W, Lewinski WJ. *Police Academy Training, Performance and Learning*. 2018.



### Firearms Training Unit

The Firearms Training Unit (FTU) has three instructors who are well-versed in training practices that address important cognitive and psychomotor skills that LMPD personnel need when faced with a firearms situation. The training facility is functional. However, the Department does not have an outdoor long-gun range. Instead, the LMPD uses only frangible ammunition (i.e., practice rounds that disintegrate when they hit the target) rather than on-duty ammunition at its indoor facility, as on-duty ammunition is not allowed at the indoor facility for safety and other reasons. This may be problematic, as officers do not qualify with their weapons using on-duty ammunition, which is important as there are critical differences in the way weapons respond with different types of ammunition.

The FTU staff qualify approximately 1,200 personnel twice per year in the use of pistol, rifle, shotgun and less-lethal munitions, and conduct basic recruit training. This is a significant demand on a three-person staff and creates an unsustainable situation as they have responsibilities other than firearms training. From a risk management perspective and in the current cultural environment, the LMPD should make addressing shortcomings in this area a priority.

The LMPD's training is consistent with the State of Kentucky's qualification requirements. Although the State of Kentucky approves the firearms curriculum and it is adequate for State qualification, the LMPD should consider designing and implementing firearms training that increases the amount of time for scenario-based training. Such training should include real-life decision-making scenarios, as we describe in our previous section regarding the use of a multidisciplinary approach to use-of-force training. It is a standard approach taken by many law enforcement agencies with robust training programs. A multidisciplinary approach to firearms training could significantly improve the LMPD's use of force in the field and further reduce injury, loss of life and liability issues.

The LMPD should establish a consistent reporting mechanism by which training instructors regularly inform command of the number of officers trained in use-of-force techniques, those needing remedial training and the results of the remedial training. The LMPD is also working on a mechanism to receive information from the field after use-of-force incidents to determine if additional remedial training is necessary. This information would assist LMPD staff in monitoring which trainees need to successfully complete the use-of-force annual training cycle.

We recommend that the LMPD command staff undertake an in-depth workload assessment of the FTU to determine an appropriate trainer-to-trainee ratio and conduct a needs assessment to determine the appropriate time and resources necessary to train the FTU staff to support the Department's use-of-force policy expectations. We also suggest the LMPD consider providing more administrative support for the unit so trainers can focus on training rather than logistics (e.g., scheduling, supply ordering, recordkeeping).





## Defensive Tactics Training

Although the defensive tactics program and instructors are excellent, we found a considerable training gap. Several LMPD officers reported working for more than a decade after their initial academy defensive tactics training without completing any use-of-force tactics refresher training, until the LMPD updated and improved the annual defensive tactics training program in 2018. This likely means that a significant number of officers do not have the skills to de-escalate use-of-force situations appropriately through lower-level uses of force and defensive tactics.

To address this training performance gap, we recommend the LMPD increase its defensive tactics training frequency to quarterly. Frequent, short training sessions can be more effective than infrequent, long blocks of training. Quarterly skills training can enhance an officer's capabilities and retention for all psychomotor skills (e.g., arrest and control techniques, CPR training). The LMPD can conduct training through roll calls or quick on-duty sessions. The Department does not need to conduct such training solely at mandated, annual in-service training courses at the academy, as we recognize how difficult it is to provide annual training for key psychomotor skills.

The LMPD does not remove officers from duty for failure to participate in defensive tactics training. The LMPD does not require officers to participate actively in this training. Officers receive credit for the class just for attending and observing – the Department does not require the attendees to practice the skills. Defensive tactics are vital skills, and the LMPD needs to mandate participation in the training and ensure officers are proficient in the skills, unless they cannot complete the training for medical reasons. Once an officer is cleared from a medical excuse, the officer should participate in the training.

## Data

We reviewed use of force and other data to determine if a correlation existed between an individual's race and whether an officer subjected them to any type of use of force. The chart below illustrates the number of times that LMPD officers used force between 2010 and 2019. This chart does not include soft, empty-hand techniques such as escort positions, arm-bars or other control holds, nor does it include pointing a weapon.<sup>37</sup> Any use of force that involves the use of a weapon or requires some sort of strike are reportable uses of force in this context. The data shows a significant decrease in the use of force during the study period.

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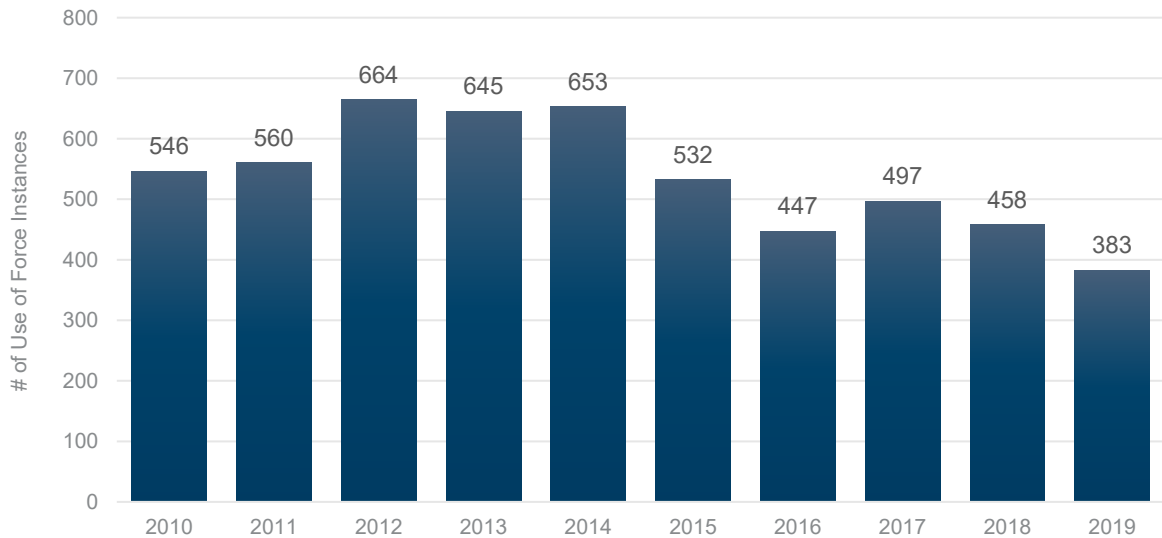
<sup>37</sup> The LMPD did not require officers to report pointing a weapon between 2010 and 2019; however, it is now a requirement.





## Overall Use of Force Instances

Figure 2: Use of Force Instances by Year for 2010 through 2019<sup>38</sup>



According to the study conducted by the IACP and the University of Cincinnati Center for Police Research and Policy, the LMPD realized a 28.1-percent reduction in use-of-force incidents, a 26.3-percent reduction in citizen injuries and a 36-percent reduction in officer injuries between 2018 and 2020.<sup>39</sup> The study attributed the significant reductions to the roll-out of the ICAT training delivered to LMPD officers. ICAT training instructs officers in de-escalation tactics and critical thinking skills to manage potentially volatile law enforcement-citizen encounters and encourages the integration of crisis recognition and intervention, communication skills and operational tactics in law enforcement responses. The ICAT training is especially useful for situations involving unarmed individuals and those with weapons other than firearms, who may be experiencing a mental health or other crisis. The Critical Decision-Making Model anchors the training program, which helps officers assess situations, make safe and effective decisions, and document and learn from their actions. ICAT incorporates skillsets into a unified training approach that emphasizes scenario-based exercises and provides lecture and case study opportunities. The 2018 – 2020 reductions in the use of force help illustrate the effectiveness of scenario-based training, which serves as an example of why we encourage the LMPD to implement scenario-based training in a multidisciplinary approach for use-of-force training.

<sup>38</sup> Engel, Robin; Corsaro, Nicholas; Isaza, Gabrielle; McManus, Hannah. *Examining the Impact of Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training for the Louisville Metro Police Department: Initial Findings*. Center for Police Research and Policy, 16 September 2020, revised 30 October 2020.

<sup>39</sup> Engel, Robin; Corsaro, Nicholas; Isaza, Gabrielle; McManus, Hannah. *Examining the Impact of Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training for the Louisville Metro Police Department: Initial Findings*. Center for Police Research and Policy, 16 September 2020, revised 30 October 2020.

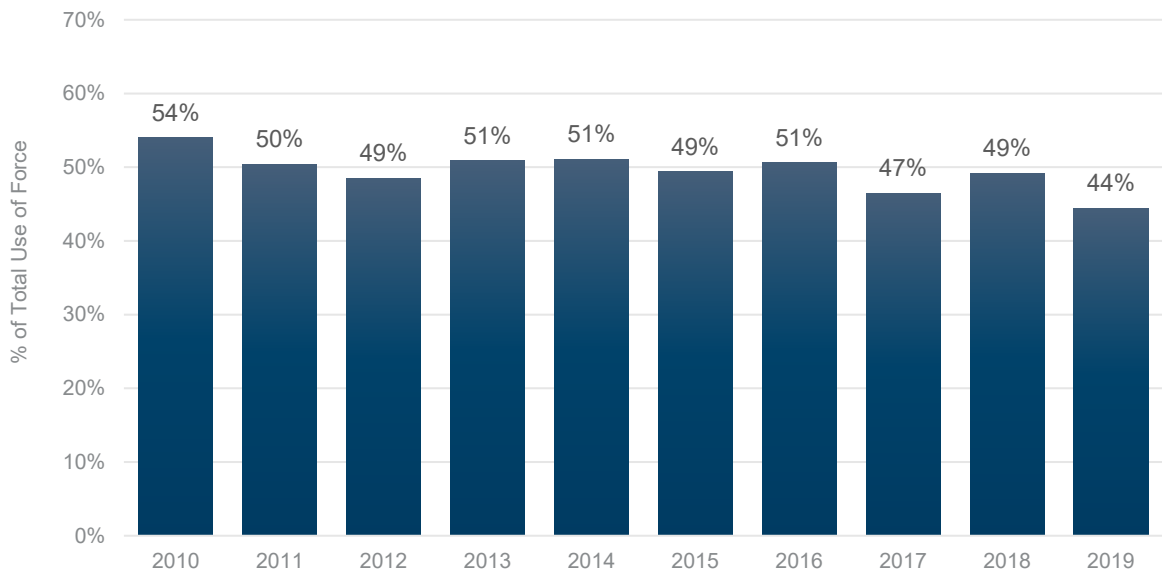


### Use of Force Involving Black Residents

Black residents represent approximately 21 percent of the Louisville Metro population but were involved in approximately 50 percent of the use-of-force incidents during the period studied.

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Figure 3: Percentage Use of Force against Black Individuals by Year for 2010 through 2019<sup>40</sup>



To determine if it was race that drove such a disparate amount of uses of force based on population percentage, we examined the arrest rates to determine any possible relationship between race and uses of force.

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<sup>40</sup> Engel, Robin; Corsaro, Nicholas; Isaza, Gabrielle; McManus, Hannah. *Examining the Impact of Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training for the Louisville Metro Police Department: Initial Findings*. Center for Police Research and Policy, 16 September 2020, revised 30 October 2020.



Table 8: Arrest and Use of Force Comparison for 2019

Arrest + Use of Force Data	White	Black	Other
Percent of Total Population	68.9	21.2	9.9
Use of Force Against	195	169	19
Percentage of Use of Force Incidents	51%	44%	5%
Percentage of Total Arrests	53%	42%	5%
Force Incident Expectation Based on Arrest Data	203	161	25

Table 8 illustrates a comparison by race, population percentage, use of force prevalence and a projected expectation for uses of force assuming that force was applied with the same frequency as arrests for each race. For context, in 2019, LMPD officers placed 52,103 people under physical arrest, which does not include citation arrests. Officers used reportable force in 383, or 0.74 percent, of the arrests.

The issue is whether race is a deciding factor on arrest decisions. A byproduct of disproportionate arrests would be a disproportionate number of use-of-force incidents involving members of the Black community.

Based on the data, it appears that once an officer makes the decision to arrest, race does not seem to play a role in the use of force. However, because officers disproportionately arrest Black individuals compared to the overall population, a disproportionate number of use-of-force incidents involve members of the Black community.

We believe the LMPD needs to assess more data to gain a holistic picture of the situation to answer the following questions.<sup>41</sup>

1. Do officers apply force equally when controlling for the crime committed and the subject's behavior?
2. Does race play a role in officers' decision-making process to arrest or use force based on the behaviors the arrestee exhibits during the incident? Is the LMPD collecting the correct data to conduct such an analysis?

<sup>41</sup> For further information about how to analyze use of force data, refer to "The Science of Justice: Race, Arrests, and Police Use of Force" by the Center for Policing Equity, published in July 2016.



## De- Escalation

Many law enforcement agencies have officers who can naturally walk into a tense situation with community members and calm everyone down, but this is a unique skillset. Many agencies also have officers who lack the interpersonal skills and emotional control to handle intense situations. Both types of officers can benefit from de-escalation training supported by policy that emphasizes how communication and other methods can improve outcomes during an otherwise emotionally charged – or even physical – interaction.

As exemplified in the 2015 “President’s Task Force on 21st Century Policing” report,<sup>42</sup> teaching officers an effective way to de-escalate police-community interactions to avoid use of force when possible is a best practice. When de-escalating a situation, a trained officer should implement their skills of communication, respecting an individual’s personal space and slowing down an interaction that may be escalating. For example, non-threatening body movements and body language, as well as clear communication, help a stressed individual decompress and respond to an officer’s commands without the officer needing to become physical or use what may be perceived as harsh language. Debate continues in scholarship<sup>43</sup> and among public safety personnel about asking officers to “slow down,” as some believe that too much emphasis on these techniques decreases an officer’s safety.

As noted, in Louisville, officers stop, arrest and issue citations to a disproportionate number of Black individuals. This coupled with research stating individuals have increased fear, mistrust and anxiety during interactions with law enforcement demonstrates how training officers on de-escalating situations is imperative if the LMPD is to succeed in rebuilding trust with the community.

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## + KEY DEFINITION

### De-Escalation

De-escalation refers to the range of verbal and nonverbal skills used to slow down a sequence of events, enhance situational awareness, conduct proper threat assessments, and allow for better decision-making, to reduce the likelihood of a situation escalating into a physical confrontation or injury.

De-escalation can be defined more simply as the reduction of intensity of a conflict or potentially violent situation.

As such, the use of de-escalation techniques does not necessarily mean that a particular level of physical force is not used. For example, an officer could successfully de-escalate a situation when making an arrest by using a control hold, rather than a baton.

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<sup>42</sup> *The President’s Task Force on 21st Century Policing Implementation Guide: Moving from Recommendations to Action*. U.S. Department of Justice Office of Community Oriented Policing Services, Washington, D.C., 2015.

<sup>43</sup> Engle, Robin; McManus, Hannah; Herold, Tamara. *The Deafening Demand for De-escalation Training: A Systematic Review and Call for Evidence in Police Use of Force Reform*.



Research supports the need for officer training in de-escalation and communication skills regardless of the outcome of the stops, as use of force has been shown to cause long-term trauma on a large percentage of those stopped.<sup>44</sup> Even if an encounter does not result in an arrest, the tactics an officer uses during the encounter matter. One of the overall conclusions of the research was that less invasive tactics are needed for suspects who may display mental health symptoms to reduce psychological harms to individuals stopped.

The community sentiments reported during this assessment have supported this belief. An officer's approach can have a negative impact on the relationships, perceptions and overall wellbeing of the population they serve and could establish a precedence of fear and anxiety with the community. Many members of the Louisville community do not trust the LMPD and believe that officers treat people of color and other marginalized communities unfairly during interactions.

One of the ways that the LMPD is responsive to these community concerns is through the implementation of its de-escalation policy in SOP 9.1.3:

“In their interaction with subjects, officers should use advisements, warnings, verbal persuasion, and other tactics as alternatives to higher levels of force. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance in order to consider or deploy a greater variety of force options. Officers should perform their work in a manner that avoids unduly jeopardizing their own safety, or the safety of others, through poor tactical decisions.”

The LMPD must also ensure it interweaves de-escalation into all aspects of its use of force approach and communications policies. As noted, the Department provided ICAT training, which incorporates some concepts on de-escalation, to all of its officers. All officers have also received Crisis Intervention Team (CIT) training, which has a component related to verbal de-escalation, which covers communications tactics that benefit all officers. Although the de-escalation policy does not set out mandatory training requirements, the LMPD delivers de-escalation training at its basic police academy and at in-service training.

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*The LMPD has advised us that it plans to weave de-escalation into almost all mandated training in the future.*

The LMPD provided de-escalation training over the last four years as noted below:

- + **2020:** Six hours
- + **2019:** 16 hours
- + **2018:** One hour
- + **2017:** Four hours
- + **2016:** Two hours

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<sup>44</sup> Jacobus, Derrick E. *Trauma Caused by Law Enforcement Use of Force*. 2015. <https://www.jems.com/patient-care/trauma-caused-by-law-enforcement-use-of-force/>



The objectives for the de-escalation in-service course were to:

- + Explain concept of “time, cover and distance”
- + Discuss resources that officers can use to de-escalate a situation
- + Review SOP 9.1.3 on de-escalation
- + Demonstrate de-escalation techniques to complete pre-determined scenarios
- + Understand the target areas appropriate for O.C. Spray
- + List the types of spray techniques and patterns associated with O.C. Spray

The course emphasized that de-escalation is about making good tactical decisions, trying to save lives in a safe manner and slowing down. The course describes de-escalation as a win-win for everyone.

Although this is appropriate, officers should also incorporate de-escalation in their everyday encounters. LMPD leaders must champion de-escalation as something for everyday interactions, not just crises. Although physical tactics are important, the most fundamental de-escalation tactic is effective communication and the establishment of relationships. The LMPD training mentions these elements, but they are taught as an afterthought to the physical tactics of de-escalation.

Developing a professional, respectful working relationship with community members is one of the greatest means of de-escalation that an officer can foster, and the LMPD should educate its officers on using this asset. De-escalation demonstrates that officers and the LMPD are invested in community members’ wellbeing. The effects of positive interactions compound over time, and future interactions – even those that require de-escalation tactics – become less fraught and easier and more productive for all parties involved.

## Recommendations

Rec. #	Recommendation
2.1.1	Schedule regular use-of-force policy reviews to more effectively monitor policy relevance and adherence to best practices and training.
2.1.2	Discuss with Metro and community leaders, in tandem with City and County attorneys, whether to incorporate language for use-of-force standards in policy that adheres to <i>Graham v. Conner</i> or requires standards that exceed those case standards, although it may increase liability concerns.
2.1.3	Amend the LMPD’s use-of-force policy to state that officers should avoid using deadly force to stop individuals who are only a threat to themselves unless the individual poses an imminent risk to the officer or others in proximity.



2.1.4	<p>Consider establishing a use-of-force review panel to meet periodically to identify use-of-force trends to help identify needed policy changes and training updates. Panel members could include command personnel, legal counsel, Fraternal Order of Police (FOP) leaders, training staff and community stakeholders.</p> <p>Consider scheduling regular meetings of the use-of-force review panel with supervisors, command personnel and training unit staff to review significant use-of-force incidents for policy compliance and training needs.</p>
2.1.5	<p>Evaluate the use-of-force training program's needs and commit to investing in the necessary resources to make training delivery changes.</p>
2.1.6	<p>Create a Department-wide formal mission and values statement in accordance with the ICAT model and other nationally recommended practices. The Department could use the mission and values statement as reference points for use-of-force policies, procedures, training and implementation.</p>
2.1.7	<p>Apply a multidisciplinary approach to use-of-force training and create joint lesson plans between the various use-of-force disciplines by cross-training use of force instructors so they can address training and evaluations.</p>
2.1.8	<p>Design and implement firearms training that builds in time for scenario-based training that includes real-life, decision-making scenarios.</p>
2.1.9	<p>Review risk policies, such as use of force, annually – or at least every two years – and/or when legal changes occur. Support changes to risk policies with training.</p>
2.1.10	<p>Explore establishing an outdoor, long-range shooting facility where officers can use on-duty ammunition during firearms training.</p>
2.1.11	<p>Prioritize defensive tactics training to close the training gap. Increase the frequency and time allotted for this training and conduct a robust assessment of officers' defensive tactics skills.</p>
2.1.12	<p>Undertake an in-depth workload assessment of the Training Division to determine an appropriate trainer-to-trainee ratio and conduct a needs assessment to determine the appropriate time and resources necessary to train FTU staff to support the Department's use-of-force policy expectations.</p>
2.1.13	<p>Revise the LMPD de-escalation SOP to include procedural guidance on components such as cultural differences and developing and applying cultural competency, communications methods, and proactive approaches to any interaction.</p>
2.1.14	<p>Ensure de-escalation is interwoven into all aspects of the LMPD's use of force approach and communications policies. Champion de-escalation as something for everyday interactions, not just crises.</p>
2.1.15	<p>Provide more training on the procedural components involved in de-escalation in addition to the need to address cultural awareness when assessing a situation. Procedural components involve communication methods, such as verbal judo and empathetic communication, instead of simply physical tactics such as increasing space and distance or retreating.</p>



2.1.16	Make scenario-based use-of-force training that emphasizes de-escalation a regular part of annual in-service training for all officers. Although the larger officer training block should be taught at least once each year, consider using a roll-call type model for more frequent refreshers throughout the year. Require that officers complete the verbal de-escalation training incorporated into the CIT training at regular intervals as a refresher course.
2.1.17	Make de-escalation part of firearms, defensive tactics and any other use-of-force training.
2.1.18	Cultivate relationships with community groups and individuals, and leverage these relationships to develop programs that emphasize de-escalation in tandem with community members. This program should include education regarding trauma associated with police-community interactions, especially for younger community members and people of color.
2.1.19	Ensure that a significant portion of training is dedicated to the social, emotional and communicative interactions with individuals, not solely or predominantly those interactions wherein physical de-escalation tactics are necessary.





## 2.2 Search and Arrest Warrants

To assess the LMPD's search warrant practices, we reviewed the Department's policies related to search warrants, primarily the amended SOP 8.1. We also reviewed a range of documents, such as in-service training manuals, the LMPD's Search Warrant Major Case Investigation Manual, the Louisville Metro Council's list of nine police reforms and the Louisville Metro Code of Ordinances 39.069. As we reviewed these policies, we considered training practices, consistency with best and emerging practices, current research literature, community concerns and the goals of officer and public safety. We also interviewed key stakeholders, including LMPD personnel and Metro Council members and community members.

As part of the release and settlement agreement related to the civil suit brought by Breonna Taylor's family, the Louisville Metro Council adopted an ordinance and the LMPD modified its SOP 8.1 on October 1, 2020 regarding search warrants to require:

- + A commanding officer review and approve all search warrants, affidavits in support of search warrants and risk matrices before an officer seeks judicial approval for a search warrant.
- + The commanding officer of the unit initiating the warrant to act as the overall Incident Commander with a separate on-scene Command Officer at each warrant location.
- + The presence of emergency medical services (EMS) units and/or paramedics for forced-entry search warrants.
- + The activation of wearable video systems before the execution of the warrant.

The goal of these reforms is to improve the LMPD's processes, increase officer and resident safety, and provide for increased accountability of the LMPD officers during the search warrant process. These are sensible reforms that add a higher level of supervisory oversight and accountability. The LMPD updated SOP 8.1 on November 15, 2020 to add language pertaining to the preparation of affidavits and search warrants, as well as the review process by commanding officers.

### Policies

The SOP 8.1 establishes a comprehensive set of policies related to the warrant process. These policies provide direction beginning with the preparation of the affidavit in support of a search warrant through how to handle seized property. For this section, we focus on Affidavit Preparation (SOP 8.1.2), Time and Method of Search (SOP 8.1.9), Risk Assessment Matrix/SWAT Team Response (SOP 8.1.13) and Entry Procedures (SOP 8.18).



### **SOP 8.1.2 – Affidavit Preparation**

Officers prepare affidavits describing facts and circumstances that support probable cause to search when seeking a judicial approval for a search warrant. LMPD policy requires supervisory approval for these affidavits. However, interviewees described a “culture of acceptance” within the LMPD in which supervisors seldom queried officers regarding the underlying facts and circumstances necessary to demonstrate probable cause. These interviewees, in addition to our review of a sample of search warrant affidavits, indicated supervisory review was minimal. Supervisors generally approved affidavits immediately after an officer presented their affidavit without performing an in-depth review of the affidavit’s content.

The LMPD should update its guidelines and instructions that guide supervisors when they review probable cause affidavits to ensure they are taking adequate time to verify sufficient facts and circumstances are present to justify the warrants.

### **SOP 8.1.13 – Risk Assessment Matrix and SWAT Team Response**

In a response to criticism after Breonna Taylor’s death, the LMPD now requires commanding officers to review and approve all search warrants, affidavits in support of search warrants and risk matrices before an officer seeks judicial approval for a search warrant. The addition of a requirement that calls for a commanding officer to review and approve, in writing, all search warrants create a higher level of supervisory oversight and accountability.

SOP 8.1.13 requires officers to complete a risk assessment matrix before applying for a search warrant. A commanding officer is responsible for completing an Arrest/Search Warrant Information Sheet, which requires approval by an officer at the rank of lieutenant or above. The risk assessment matrix helps the commanding officers determine whether the Special Weapons and Tactics (SWAT) team support is needed when executing the warrant. The officer seeking the warrant answers a series of questions about potential suspects and conditions at the site where the warrant will be served. The answers to these questions result in a tabulation of points. Depending on the number of points:

- + The unit supervisor can allow their unit personnel to handle the service and execution of the warrant.
- + The SWAT team Commander must be consulted.
- + The SWAT team must support the planned operation.

The Narcotics Unit uses a risk matrix that requires the SWAT team to draft and execute the operations plan when risk factors reach a certain value. However, some personnel believe that at times, Narcotics Unit personnel “undervalued” certain risk factors to avoid involving the SWAT team in the Narcotics Unit’s warrant operations. This demonstrates how cultural forces within the LMPD could influence the risk matrix preparation and subsequently jeopardize the goal of reducing the risks associated with warrant execution.



Some of the LMPD personnel we interviewed believe that Narcotics Unit personnel are often driven by competition over who can seize the most drugs. Interviewees expressed concerns that because of this perceived competition, some Narcotics Unit personnel may avoid involving the SWAT team because it could slow down their process of applying for and executing a search warrant. If these perceptions are accurate, this undermines the goal and purpose of the risk matrix in ensuring that when executing high-risk warrants, the SWAT team is available to support LMPD personnel with its experience, training and equipment.

SOP 8.1.13 allows a commanding officer to consult with the SWAT team commander to seek assistance, even if the situation does not meet the matrix requirements. It would be a best practice for the Narcotics Unit and other units to consult the SWAT team commander or designee before drafting and executing any warrant involving premises, buildings and other locations where an officer may encounter an individual, regardless of the risk factors.

The warrants submitted for the commanders' review should assess the completed risk matrix tool used to determine who would serve the warrant and include a description of steps taken to ensure the safety of the search officers, the occupants of the location to be searched and those who reside near the search location and are not the targets of the investigation.

#### **SOP 8.1.9 – Time and Method of Search**

SOP 8.1.9 allows officers to serve a search warrant at any time, day or night. However, nighttime warrants increase risk to both officers and residents, and nighttime conditions make the execution of warrants inherently dangerous. Household members are more likely to be present, and officers have decreased visibility. When officers executing a search warrant suddenly awaken individuals, residents may be confused by the middle-of-the-night entry into their home and react in a defensive manner, as they may not be aware that officers, not a criminal intruder, are entering their premises.

The LMPD should consider limiting the time during which officers may execute a search warrant. For example, the St. Paul, Minnesota Police Department instituted a nighttime exception for warrants that states, "A search warrant may be served only between the hours of 7:00 a.m. to 8:00 p.m. unless the Court determines that a nighttime search outside those hours is necessary. The nighttime exception must be noted and authorized in the warrant." Under such a requirement, the court could still determine that a nighttime search is necessary to prevent the loss, destruction or removal of the objects of the search and to protect the search team personnel or the public. The LMPD could also permit a nighttime search if doing a daytime search would jeopardize a serious criminal investigation, with a written process for establishing the justification.



### SOP 8.1.18 – Entry Procedures

Pursuant to Louisville Metro Code of Ordinances 39.069, SOP 8.1.18 requires all search team personnel have a wearable video system (WVS). SOP 8.1.18 also requires officers to activate the WVS' recording mode no later than five minutes before all search warrant executions and deactivate it no sooner than five minutes following the completion of the execution of the warrant (i.e., once all occupants are secured and the scene is declared safe). This policy provides an extra measure of accountability to ensure that officers activate their WVS during the entire search operation, which we consider to be a positive practice.

### Critical Incident Review

The LMPD has not formalized the use of a critical incident review, which is a process that follows an event, such as the execution of a high-risk search warrant, and involves a structured review of the tactical, operational and administrative issues that supported the response to the event. The LMPD should develop criteria for determining when a formal critical incident review is required and when a less formal de-briefing can be conducted. The goal of such a review is to improve future performance during critical incidents. We recommend the LMPD formalize a policy whereby a cross-section of key Department personnel – such as commanding officers for patrol, Professional Standards Unit (PSU) and training – conduct a review or after-action assessment of a critical incident or operation to improve the effectiveness and efficiency of the Department's operations.

### Recommendations

Rec. #	Recommendation
2.2.1	Revise the Search Warrant Major Case Investigation Manual and any academy training materials related to search warrants to reflect the revisions the Metro Council promulgated.
2.2.2	Update guidelines and instructions for supervisors when they review probable cause affidavits to ensure they take adequate time to verify if facts and circumstances are sufficiently articulated to seek a warrant from a judge.
2.2.3	Review training provided to newly assigned detectives to ensure that search warrants are a priority for detectives, SWAT team personnel and any others performing search warrant-related services.
2.2.4	Include instructions for commanding officers to consult the SWAT team commander or designee before applying for and executing any warrant involving premises, buildings, and other locations where an officer may encounter an individual, regardless of the risk factors. Include these instructions in the guidelines (see Rec. 2.2.2).



- |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.2.5 | <p>Require officers serving search warrants to develop a written operational plan that describes the steps taken to ensure the safety of searching officers, occupants of the location to be searched and those who reside near the search location and are not the subjects of the investigation.</p> <p>This should be conducted whether or not the SWAT team may need to be involved. The commanding officer should then review and approve or disapprove of these materials. If approved, the commanding officer should sign the plan and indicate the corresponding date and time.</p> |
| 2.2.6 | <p>Consider eliminating the execution of nighttime search warrants unless the court determines that a nighttime search is necessary to prevent the loss, destruction or removal of the objects of the search or to protect the searchers or the public. Nighttime searches should also be permitted if a daytime search warrant would seriously jeopardize a serious criminal investigation.</p>                                                                                                                                                                                            |
| 2.2.7 | <p>Develop and promulgate protocols that require commanders to conduct regular debriefing reviews or after-action assessments of their unit's plans or operations involving search warrants. The commander should report their review's findings to Department leaders or another designated authority, along with a plan of action for correcting any deficiencies, if identified.</p>                                                                                                                                                                                                     |



## 2.3 Crowd Control

Louisville experienced nearly constant protests beginning in late May 2020 and throughout summer and fall 2020. Although many of these protests were peaceful, some involved violence and resulted in significant property damage. This level of disturbances in the aftermath of the deaths of George Floyd in Minneapolis, Minnesota and Breonna Taylor in Louisville was unprecedented in the Metro region. Public safety agencies have trained and developed policies and procedures to respond to such events; however, the actions during this period revealed challenges with the LMPD's response.

### Policies, Procedures and Protocols

The LMPD's Special Events Unit, a part of the Special Operations Division, is responsible for reviewing and facilitating "the planning, staffing, and implementation of major public events." The unit is responsible for designing "an operational detail plan that ensures the safety of all persons involved and minimize the inconvenience of the public, officers, participants and citizens affected by special events." The operational plan is key as it identifies the resources and overall plan for responding to the event, thereby providing guidance to the staff supporting the event.

Pursuant to the section manual, a detail commander within the Special Events Unit does the following when planning for a special event:

- + Meets with the event contact and determines the needs and requirements requested in the permit submitted for a special event
- + Determines security and traffic posts necessary for a successful event
- + Maps the event area or parade or run route
- + Submits a personnel request to the appropriate division, section or unit
- + Creates an operational plan
- + Provides notification of street closures or traffic delays
- + Drafts after-action reports
- + Develops correspondence related to the detail

LMPD SOP 12.6 applies to civil disturbances and disorderly crowds. This policy explains officers' need to carefully balance "the First and Fourth Amendment rights of citizens with the protection of property and public safety." It notes that not all crowd-control situations involve unlawful acts and that "it is the mission of the LMPD to protect citizens' rights to lawfully gather (e.g., lawful demonstration), while identifying and addressing unlawful behavior (e.g., civil disturbance)."



The SOP provides guidance on implementing the Incident Command System (ICS) and assigning an Incident Commander. The ICS provides an organizational framework for the efficient and effective command, control and coordination of an emergency response for first responders. The ICS is important when addressing protest activity as it defines the operational plan, roles and responsibilities for those assigned to and anticipated as needing to respond. Because law enforcement agencies train on this system, ICS allows for rapid expansion to meet the demands of evolving incidents to minimize harm, personal injury and property loss.

The Incident Commander provides a centralized command of resources, which is paramount to an effective ICS implementation. The LMPD identifies that an Incident Commander will be assigned and has the responsibility for developing an Incident Action Plan (IAP) that includes strategies, goals and tactics, as well as establishing rules of conduct, including use of force options, and the enforcement actions to be taken. The SOP lists the primary objectives in mitigating a civil disturbance as:

- + Protecting lives
- + Restoring and maintaining order
- + Protecting vital facilities
- + Protecting exposed buildings, especially occupied structures, to minimize property damage and injuries to occupants
- + Arresting law violators

Although these are appropriate objectives, the LMPD should add an objective to focus on the protection of individuals' rights to freedom of speech, association, assembly and to petition the government, which is currently absent from its priorities. The LMPD reports that this is included in event briefings. For example, the LMPD could replicate the IACP's model policy that states, "It is the policy of this agency to protect individual rights related to assembly and free speech; effectively manage crowds to prevent loss of life, injury, or property damage; and minimize disruption to persons who are not involved."

The City's Emergency Response Plan, which establishes the roles and responsibilities for City agencies in a critical incident, provides additional information on the Department's strategies and tactics for handling civil disturbances and disorderly crowds. It includes background information, elements of command and control, objectives for mitigating the event, internal and external resources available to assist, tactical options, and roles and responsibilities for the Incident Commander and other persons assigned to the command post. The Emergency Response Plan provides appropriate guidance and detail for implementing ICS principles. However, just as with LMPD SOP 12.6, the plan misses the opportunity to focus on the protection of First Amendment rights to speech and assembly.

The LMPD regularly prepares for large events requiring crowd control (e.g., the Kentucky Derby, Thunder Over Louisville). However, like many jurisdictions throughout the country, the LMPD was unprepared for the unprecedented level of protests, civil disturbances, violence and property damage. Based on the LMPD staff interviews and our review of related documents, the LMPD did not formally



invoke the principles of the National Incident Management System (NIMS) until the second day of protests. The LMPD had challenges with identifying who was in charge of the Department's protest response. Early decisions came from the operations at the Department's command center, where several LMPD command staff personnel, Mayor's Office personnel and others offered their opinions and made decisions based on consensus. This sometimes resulted in the appearance of disjointed and delayed decision-making and direction to operational units on the ground.

LMPD personnel informed us that beginning in late May and early June, they became better organized and developed incident action plans that thoroughly delineated the objectives, safety priorities and other considerations in responding to civil disturbances. The Department also described assigned roles in the ICS structure more clearly to ensure that the appropriate personnel made decisions in a timely and efficient manner.

After-action reports focus on pre-incident planning, incident response and post-incident follow-up and help prepare for future incidents. The ICS encourages agencies to complete after-action reports following the conclusion of an incident to allow for continued improvement in the ICS structure and implementation.

Although the LMPD provided us with after-action reports from individuals and units that responded to protests over the summer, it did not provide a formal after-action report assessing the Department's overall response to the protests. The after-action reports we reviewed identified lessons learned regarding improving command and control, field logistics and tactical considerations.

Although these informal after-action reports were helpful to the LMPD in identifying strengths and areas in need of improvement, a formal review should include a group after-action discussion during which personnel voice their thoughts and ideas, many of which may resonate with others and prompt additional discussion. This method is preferred over a siloed approach.

The LMPD should have conducted an agency-wide after-action report following, at a minimum, the more significant protests that resulted in violence and significant property damage. After-action reports not only help in preparing for future events but facilitate ongoing learning for lessons learned and future planning. In addition, the LMPD should conduct regular tabletop exercises to improve the implementation of ICS principles in response to protests and other events.

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#### + KEY DEFINITION

##### **National Incident Management System**

The National Incident Management System (NIMS) provides a framework for government, non-government organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents.

As a part of NIMS, the Incident Command System (ICS) is a standardized approach to the command, control and coordination of on-scene incident management and provides a common hierarchy within which personnel from multiple organizations can be effective.





## Training

The LMPD's Special Response Team (SRT) is the mobile field force, which is primarily responsible for crowd management and containment. However, other officers often supplement the SRT, as was the case during the protests and events from May through October 2020.

The SRT trains monthly on crowd-control techniques and the use of associated less-lethal weapons, such as 40mm launchers and pepper balls. All officers train on crowd-control techniques in the police academy, and prior to 2020, this was likely the only crowd-control-related training that officers, other than those assigned to SRT, received. As a result of the recent protests, the LMPD has begun providing refresher crowd-control training to other Department personnel in conjunction with SRT personnel, which is a positive and appropriate practice.

## Recommendations

Rec. #	Recommendation
2.3.1	Revise the crowd management policies, emergency response plans and incident action plans developed for protest responses to provide a greater emphasis on the protection of the First Amendment rights to freedom of speech, assembly and to petition the government.
2.3.2	Conduct regular tabletop exercises to improve the implementation of ICS principles in response to protests and other events.
2.3.3	Develop formal, overall after-action reports regarding the response to the large protests and civil unrest during summer and fall 2020.  Given the large number of protests during this time, we would not expect formalized after-action reports for each protest; however, an overall after-action report should highlight general activities and lessons learned from multiple responses.



## 2.4 Complaints Against LMPD Personnel

### The Role of the Special Investigations Division

The Special Investigations Division investigates complaints against LMPD personnel. The division is composed of the Professional Standards Unit (PSU), which investigates complaints against LMPD employees, and the Public Integrity Unit (PIU), which leads investigations that involve criminal allegations against LMPD officers.

### Complaint Investigation Processes in the LMPD

Contemporary practices acknowledge that one of the main purposes of an internal investigation is assuring the public that an agency does not tolerate inappropriate behavior. As such, an agency can use the internal affairs (IA) process to:

- + Review policy, supervision and training to determine whether clarification, reinforcement or modification are needed to remediate misconduct.
- + Place employees on notice due to inappropriate behavior or performance, or remove employees, when appropriate.
- + Form the basis of an early intervention system and other measures designed to remediate employee behavior without resorting to formal discipline.
- + Assure the public that the organization is committed to procedural justice and legitimacy.

We reviewed relevant LMPD policies and a limited random sample of completed PSU and PIU investigations conducted between 2018 and 2020. We also interviewed and facilitated discussions with external and internal stakeholders regarding the LMPD's IA process. In reviewing the files, we focused on broad categories, including assessing whether the investigators complied with the Department's policies for handling such investigations and if the investigations were thorough, fair and objective to the complainant and the Department employee who was the subject of the investigation.

Although beyond the scope of this assessment, a demographic analysis of IA investigations and discipline following complaints would be insightful given the level of mistrust of the system and the perception of bias towards officers of color.



## Relationships with the Community

The IA process is a source of considerable discord among LMPD leaders, officers, union representatives and community stakeholders. The length of time between the intake of a complaint and the imposition of discipline is a major source of conflict that has proven to be disruptive to external and internal procedural justice. Some community members believe the process is broken, in that the delay in completing investigations has frequently prevented the LMPD from imposing timely discipline on officers who should be removed from direct service to the community or terminated, as noted in the following comment offered to our assessment team by a community member.

“Two times, 12 years apart, I felt the need to report misconduct by police. I would never recommend it. There is no safe way to. Reporting to internal affairs is just a way to find out what you know and start a defense. I have to add, allowing offenders to retire or resign to escape punishment is why we are where we’re at.”

IA investigations are more than internal matters. They impact the community and represent a major community trust issue. The LMPD needs to recognize the relationship between how it handles IA investigations and the role such investigations and their outcomes play in building and maintaining community trust. To build trust, an agency must establish and communicate expectations for its personnel and the community, then take corrective or remedial action when an officer or unit does not meet the expectations.

The LMPD’s formal IA policies and practices are generally consistent with recommended standards. However, the Department has missed some opportunities to ensure the ways in which it investigates and adjudicates sustained misconduct complaints are consistent with the principles of procedural justice and legitimacy. We recommend the LMPD consider how it could change its current IA policies and practices to ensure the community believes that the processes are legitimate and that employees expect the system to be thorough, fair and objective. Recent literature suggests officers who do not believe their law enforcement agency treats them fairly are less likely to engage the public in a positive manner.<sup>45</sup>

On December 2, 2020, the Louisville Metro Council passed an ordinance that established the Civilian Review and Accountability Board and the Office of the Inspector General, which will create new layers of independent review of disciplinary matters handled by the LMPD. These will help address the findings and recommendations in this report.

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<sup>45</sup> *Law Enforcement Best Practices: Lessons Learned from the Field*. U.S. Department of Justice Office of Community Oriented Policing Services, Washington, D.C, 2019. <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>



## Complaint Receipt

Contemporary standards<sup>46</sup> recommend that law enforcement agencies accept complaints from any source based on the belief that the investigation of employee misconduct is vital to ensuring the agency's legitimacy in the eyes of its community and personnel. Conducting effective IA investigations is demonstrative evidence of an agency's commitment to holding its personnel and the organization accountable. When a community member files a complaint of misconduct, it signals they trust and expect the agency to listen to and fairly investigate their claim.

The LMPD's practices regarding the intake or acceptance of misconduct complaints are consistent with building trust with the community and with promising practices. The Louisville Professional Standards Unit Operations Manual, revised June 17, 2020, governs the administrative investigation of misconduct complaints. SOP 2.10 Complaints Against Members specifies that "it is the policy of the department to investigate all complaints of alleged misconduct or criminal misconduct." Pursuant to State of Kentucky statutes and the Collective Bargaining Agreement (i.e., the labor contract between the LMPD and FOP), the complainant's sworn affidavit or the Chief of Police's order initiates complaints. The LMPD also accepts anonymous complaints and charges can be brought against an employee only if the investigation can independently substantiate the allegations made in the anonymous complaint.

The LMPD PIU conducts investigations of criminal allegations of misconduct,<sup>47</sup> and the PSU monitors the progress of the criminal investigation without getting directly involved. The PSU may concurrently conduct its administrative investigation to identify and investigate violations of the LMPD's administrative rules ancillary to the alleged criminal misconduct. This is a standard law enforcement practice because mixing an administrative investigation with a criminal one could interfere in the criminal adjudication. For example, a prosecutor's ability to prosecute a case could be undermined if information gained during the administrative investigation was shared with criminal investigators operating under different rules of law associated with gathering evidence and interviewing suspects.

According to a report from an LMPD employee the Chief of Police initiates roughly two-thirds of the accepted complaints referred to the PSU. At first glance, this figure may indicate public satisfaction. It is generally good that the Chief initiates investigations on potential misconduct by Department employees. However, although the percentage could reflect that the Chief and command staff are holding LMPD personnel accountable, it could also indicate that the complaints from community members are limited because they do not understand how to file one, or they do not trust the LMPD to investigate their claims legitimately. We did not have the appropriate data to assess whether these theories are correct, but the LMPD should consider conducting community engagement efforts and initiating other feedback requests, including a survey of those who actually filed complaints over the last three years, to obtain data on the community's perspective of the IA investigation process. This would help the LMPD build trust within the community.

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<sup>46</sup> *Law Enforcement Best Practices: Lessons Learned from the Field*. U.S. Department of Justice Office of Community Oriented Policing Services, Washington, D.C., 2019. <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>.

<sup>47</sup> *Accreditation Program Manual, Sixth Edition*. Kentucky Association of Chiefs of Police. Revised September 2020.



LMPD Policy §2.10.2 Citizen Complaints acknowledges that a member of the community may report misconduct to an officer and advises the officer to assist the person and immediately report the request to a commanding officer. However, the policy offers advice inconsistent with building community trust as it requires a commanding officer, if approached by a citizen who desires to file a complaint, to fully apprise the person of the process and their options for filing a complaint. The LMPD encourages commanding officers to resolve minor concerns if the concern can be resolved to the satisfaction of all parties. However, the policy requires the commanding officer to advise the individual to contact the PSU if the individual desires to file a formal complaint. This policy direction creates barriers to the individual filing a complaint. In law enforcement agencies that seek awareness of community issues and concerns, a commanding officer is expected to do more than simply refer a person to IA. They take a more proactive role in assisting the individual with filing the complaint, such as taking the complainant's contact information and facilitating a follow-up call with an IA Unit representative.

The current IA intake process is completed on paper, although an electronic system that is intended to provide better information is under development. The LMPD is implementing an online complaint affidavit form, which provides relatively easy access for residents with internet access. This will be an improvement, but policy should still require officers to take proactive steps to connect a complainant with an IA representative. Further, the need for paper complaint forms will remain and the LMPD should ensure paper forms continue to be available at convenient locations in the Louisville Metro area. The LMPD should commit to using case management software more effectively to enhance case tracking and assist in analyzing data needed to make intelligence-led decisions regarding officer and organizational behavior.

The LMPD is in alignment with promising practices in which law enforcement agencies locate their IA unit away from the headquarters to lessen the public's fear of filing a complaint and assist in building community trust. We commend the LMPD for recognizing that this fear and apprehension are potential barriers to filing a complaint against an officer. The PSU and PIU are housed away from police headquarters. The PSU is in a converted library in a neighborhood with the intent to ease access, according to an LMPD supervisor, and the PIU is in a converted precinct building.

### **Professional Standards Unit Investigations**

Investigating a misconduct complaint is a complicated process. One of the initial challenges is determining who will conduct the investigation. Agency policy, local laws and labor agreements govern who investigates complaints against officers. LMPD first-line supervisors have an appropriate role in responding to minor complaints of misconduct against officers whom they supervise. It is a best practice for first-line supervisors to have a role in the complaint investigation process, and these supervisors are commonly tasked with resolving minor policy or conduct violations, such as tardiness and poor grooming, which usually do not merit an IA investigation. First-line supervisors exert considerable influence over officers, and the leadership role of first-line supervisors is often undervalued. By involving first-line supervisors in the complaint investigation process, the LMPD



seeks to develop a culture in which supervisors view correcting employee behavior as a supervisory or leadership function.

The PSU's operational authority is to investigate allegations of rule violations. The PIU, as discussed later in this report, investigates uses of force that result in death or serious injury,<sup>48</sup> as well as other criminal complaints against officers. The LMPD's complaint investigation files typically include the following:

- + A statement or affidavit from the complainant
- + A notice to the officer and a reasonable opportunity to respond
- + Written questions the investigator created before an interview, and the responses of the involved employee and witnesses
- + Transcribed statements, if recorded
- + Other evidence relevant to the allegations

We reviewed a sample of PSU investigation files from 2018 through 2020. We determined that the LMPD generally conducts investigations in a manner consistent with recommended practices. The files contained the expected material and were organized in a manner that facilitated an easy review. The files typically were organized by sections including, among others, the complainant's affidavit or Chief's initiation letter; case tracking record; audio recording and transcription of interviews of complainant, officers and witnesses; body-worn camera (BWC) video; medical records; and other physical evidence.

Kentucky Revised Statutes Section 67C.326(1)(c) requires law enforcement agencies to provide officers with a written notice at least 48 hours before they must submit to an IA interrogation. Based on the case files we reviewed, the Department consistently follows this requirement.

The LMPD Collective Bargaining Agreement with the FOP requires the Department to complete investigations within 180 days of receipt of the complaint from a member of the public or following initiation by the Chief of Police. During our review of cases, we did not observe any investigations that were completed within that time period. We learned PSU investigations are seldom completed within 180 days. The Collective Bargaining Agreement allows the LMPD to request an extension of the deadline, if needed. Various reasons explain why the Department seeks an extension, including professional differences regarding the meaning of the term "investigation," yet this is not an ideal practice. We discuss this further in the Adjudication section.

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<sup>48</sup> The current practice is to contact the Kentucky State Police (KSP), which decides whether to take the lead on these cases.



The LMPD promulgated the Professional Standards Unit Case File Order Directive, dated May 20, 2020, mandating the construction of PSU files in a designated manner. Although we did not review any investigations that occurred after the directive was created, the cases we reviewed were organized and included most, if not all, the items listed in the directive. Consistent with recommended practices, recorded interviews were transcribed, and information, in general, was easy to find. We determined that the PSU command officer reviewed misconduct investigations and included recommended findings consistent with national practices (see Adjudication section below).

We observed that the PSU operations manual states that “complaints investigated by the PSU will be reviewed routinely to determine patterns of conduct by officers or units which appear to be detrimental to the department or the community.” We consider this good policy. However, the policy fails to task a specific person or rank with responsibility for conducting such reviews or reporting patterns of misconduct or behavior, if identified. We recommend the LMPD clearly designate who conducts the review and establish a formal structure for reporting and addressing challenging behavior or trends the required reviews reveal to ensure this important task is completed.

### Public Integrity Unit

The PIU investigates officer-involved shooting incidents resulting in death or serious bodily injury,<sup>49</sup> as well as other complaints of criminal misconduct by LMPD officers. The LMPD has a verbal agreement with the KSP that the KSP has the option of investigating these incidents. The PIU’s operational authority is set forth in Special Investigations Division Standard Operating Procedure 1.9.2 PIU.

The PIU organizes its workload into three categories:

- + **Critical:** Assigned to a lead investigator but all unit personnel respond
- + **Regular:** Criminal allegation against an LMPD employee, which is assigned to the next PIU investigator in rotation
- + **Shadow:** An LMPD employee under investigation by another jurisdiction, which is assigned to a PIU investigator

We reviewed a sample of PIU investigations and determined they were conducted in a manner consistent with the recommended standards. The files were organized, and documents were easy to locate. Interviews were transcribed and placed in the file, where applicable. Importantly, the files revealed that officers and employees were properly afforded legal rights (e.g., Miranda rights) before the interrogation. Where appropriate, the investigators presented the case to the Commonwealth Attorney for consideration of criminal charges. In all cases we reviewed, the case file included the decision letter from the Commonwealth Attorney, which is appropriate.

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<sup>49</sup> The current practice is to contact the Kentucky State Police (KSP), which decides whether to take the lead on these cases.





However, similar to our concerns regarding the review of PSU investigations, we are concerned that the policy and organizational structure do not support a vigorous review and evaluation of PIU investigations for patterns of misconduct or behavior. The LMPD misses the chance to change policy and practices as a result of lessons learned from prior officer-involved-shooting incidents, particularly as they relate to narcotics investigations and felony traffic stops. The absence of review for patterns of misconduct or behavior also impedes the LMPD's ability to identify training needs that the Training Unit could address.

LMPD personnel raised concerns about the sufficiency of the PIU's staffing level. While the LMPD and the KSP have a verbal agreement that allows the LMPD to request the KSP investigate critical incidents involving LMPD employees, this does not necessarily mean the KSP will be in a position to accept a case due to a variety of factors. Additionally, the PIU is responsible for investigating criminal misconduct allegations against Louisville Metro employees in addition to LMPD personnel. The LMPD or another City stakeholder should analyze the PIU's workload and staffing level with a focus on ensuring adequate staff are available to support the caseload and provide for quality investigations.

### Adjudication

The LMPD's policies and practices use the standard adjudication terms, as well as "Closed by Exception," which denotes when a case is closed due to exceptional circumstances or when a case is closed at the Chief of Police's direction. Based on our review of PSU case files, the recommended findings in those investigations were consistent with the facts, and the designations were consistent with LMPD policy.

However, the LMPD policy defines the finding "Unfounded" in a way that the public may perceive as disrespectful – "the allegation was baseless or false." We recommend the Department modify the definition to state that "the misconduct did not occur or did not occur as alleged." This broader definition reinforces community perceptions of respect and trust, which are eroded when LMPD leadership tell a complainant that their complaints are baseless when other factors could have contributed to the inaccuracy of the complaint. For example, the expanded definition covers situations

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### + KEY DEFINITION

#### Adjudication

Adjudication is the task of reviewing the facts and evidence derived from an internal investigation and determining what findings are supported by the facts. The most common terms used to adjudicate an investigation are:

- + **Sustained:** The evidence indicates a violation of policy occurred
- + **Not Sustained:** Insufficient evidence exists to determine whether a violation occurred
- + **Unfounded:** Behavior did not occur or did not occur as alleged
- + **Exonerated:** The alleged act leading to the complaint occurred but was proper and legal





in which misconduct occurred, but the complainant identified the wrong officer, wrong date or the involved officer does not work for the LMPD. The expanded definition is consistent with viewing the IA process as a vehicle for building community trust and with accepted practices.

The LMPD tasks PSU investigators with recommending the initial findings in an investigation. The files we reviewed had appropriate findings, and the PSU command chain appropriately reviewed the material. National practices typically recommend that IA investigators serve as fact finders only – they determine the facts of the case and then turn the report over to a commanding officer of higher rank to determine the official findings, thus reducing some degree of bias that may exist with an investigator who is invested in the case. However, the LMPD's practice is not uncommon. To guard against investigator bias, the PSU requires the investigator to complete a conflict of interest and recusal form for every investigation, and the PSU chain of command reviews the form.

Making recommendations for findings typically occurs in the adjudication phase of an investigation. We observed that the LMPD's practices make it difficult to distinguish the different phases of an investigation when reviewing a case. Interviewees frequently cited the untimely completion of PSU investigations as well. In fact, personnel representing every level of the LMPD and Metro government voiced dissatisfaction regarding the pace of internal investigations. Interviewees blamed a variety of parties for the slowness.

The importance of completing investigations in a timely manner cannot be overstated. Some personnel shared with us that at times, the delay in completing investigations is malicious and intentional to prevent officers from transferring within the organization or leaving the LMPD for jobs elsewhere as a pending IA case precludes the movement. We learned of exceptions that allow a staffer to transfer during an investigation, but some of the LMPD interviewees believe the exception is available only to "favorite sons and daughters." In addition, the interviewees asserted that the delay has resulted in a culture in which the principles of progressive discipline do not exist. They argue that in some instances, an officer received greater discipline for a second infraction when timely notice of the first sustained violation may have resulted in corrective or remedial action before the subsequent offense occurred.

Some LMPD personnel believe staffing levels and operational practices in the PSU explain the untimely completion of some investigations. We found that, like many Department units, the PSU may need additional personnel to assist in the timely completion of IA investigations. Each investigator assigned to the PSU has a workload averaging 10 to 13 investigations. One investigator reported having more. PSU investigators regularly request officers who are the subject of an investigation to waive the 180-day requirement for completing investigations, which may arise from their perception of a heavy caseload. Officers and their union representatives reportedly have a regular practice of granting such waivers. All investigations we observed included a 180-day waiver notice.

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*More than 75 percent of the LMPD survey respondents indicated that internal investigations are not conducted in a timely manner.*

This concern about the timeliness of internal investigations is consistent with what we heard in our interviews and observed during our file reviews.



The LMPD should consider expanding first-line supervisors' responsibility to include conducting lower-level misconduct investigations as a means of reducing the number and types of cases investigated by the PSU staff. In addition, the Department should develop guidelines or a matrix to assist investigators when determining the circumstances for which a 180-day waiver is appropriate.

One way to address the concern about the delays in the adjudication of complaint investigations is to change the LMPD policies that dictate how the cases are adjudicated. Policy and law require the Chief of Police to investigate charges of misconduct by police department personnel and to determine the ultimate findings and any disciplinary outcomes of an investigation.<sup>50</sup> The LMPD has interpreted this responsibility to mean that the Chief must review every investigation alone. This can overwhelm the Chief's ability to adjudicate investigations in a timely manner, considering the Chief's responsibility to lead the Department and respond to the service demands of members of the public and Metro government. We believe that this process can be streamlined whereby the chief maintains the authority to impose discipline but delegates the authority to determine an investigation's findings and make recommendations for any discipline that may be appropriate to command-level officers. This would allow the Chief of Police to complete and adjudicate investigations in a timelier manner. With this system, the Chief's responsibility would only be to review the summary of the findings and recommendations and agree or disagree with the command officer's findings and recommendations. This is a common practice for IA units, particularly for agencies as large as the LMPD. These recommended changes may require updates and clarification to Kentucky law and LMPD policies, as well as collaboration with labor representatives.

LMPD management believes the 180-day rule applies only to the period when the PSU is completing the investigation and that once the investigation is forwarded to the Chief of Police for review, the 180-day requirement is no longer applicable. The labor union has a different view, believing the 180-day rule applies from the moment an investigation is formally opened until it is closed. This issue is a source of current litigation involving an officer, the union and the LMPD.

The PSU Operations Manual is one result of the LMPD's recent introspective examination of its IA practices. In the manual, an investigator has 45 days to complete the investigation of an allegation. We recommend the LMPD establish similar time parameters for each role or stage in the Department's process for handling investigations of allegations of wrongdoing by an officer, a unit or the Department as a whole. This would ensure a timely progression of these investigations.

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<sup>50</sup> KRS 67C.321(2) states "Any citizen who makes written, sworn charges of misconduct concerning the actions of any police officer shall present the charges to the chief of police who shall investigate the charges. The chief of police shall determine what action, if any, shall be taken against the officer, subject to the limitations set out in this chapter. The citizen may appeal the determination of the chief of police to the board. KRS 67C.323 - In all cases provided for in KRS 67C.321, the action of the chief shall be final except in the following cases: . . . [and]  
CBA - ARTICLE 17 SECTION 4: Disposition of Investigation  
A. If a complaint is investigated by the PSU, the complaint, resulting investigation, and the Member's annual performance evaluation and letters of commendation, will be forwarded to the Chief or his designee. The Chief upon receiving the investigative findings and recommendations will review all complaints forwarded to his office and will handle the complaint in one of the following ways:"



The LMPD's process of investigating allegations of misconduct does not routinely work in the manner expected by the community or Department personnel. Ensuring the investigations are thorough, fair, objective and completed in a timely manner requires the collaboration of the LMPD and its partners. Internally, the Department must examine its institutional practices to determine whether its policies and procedures promote or inhibit the thorough handling of complaints. Such an institutional review should include a review of each role and then a determination of whether that role is right for the organization and the community.

As mentioned, the untimely completion of internal investigations damages a law enforcement agency's reputation internally and externally, in that everyone expects a timely resolution to a misconduct allegation. Externally, other than officer-involved-shooting investigations, no issue has greater importance to an individual than knowing a law enforcement agency heard their grievance, conducted a thorough and timely investigation, and notified them of the results when the investigation was completed.

### **Disposition and Reporting**

The disposition or reporting (i.e., case closure) of the findings of an investigation raises issues of internal and external transparency. Community members and other external partners have a keen interest in ensuring a law enforcement agency holds its officers accountable through the use of appropriate discipline or corrective action. Internally, officers want to know the consequences for certain infractions and whether the discipline was just and fair.

Based on our review, the LMPD's case closure process generally follows national practices. However, in some law enforcement agencies, before filing completed IA investigations, personnel review the investigation per the Chief's direction to determine how a particular case was handled, assist in identifying misconduct trends and provide education, training or policy recommendations. This practice is particularly effective for reviewing cases closed as "Not Sustained," as these cases may show lack of clarity regarding policy or expected behavior.

We did not observe evidence of any feedback from the Chief or others in the IA cases we reviewed. As noted, the LMPD should codify in policy that the PSU commander is responsible for ensuring regular reviews are completed and training needs assessments are conducted and shared with the Training Unit commander.

National guidelines recommend that law enforcement agencies notify the complainant and subject officer regarding the disposition (i.e., outcome) of the case. However, this process is delayed significantly when investigations are not completed in a timely manner. Notification letters to the complainant and involved officer were in the PSU files we reviewed, but in some instances, notification occurred at least 18 months after the complaint was filed.



In most law enforcement agencies, the chief or designated authority issues final adjudication of a case and determines what discipline or corrective action the subject employee receives. Some agencies use a disciplinary matrix or disciplinary review committee to assist in examining the merits of an investigation and recommending corrective action where violations are sustained.<sup>51</sup> Such matrices and committees help ensure that similar discipline is meted out for similar infractions, while taking into account the principle of progressive discipline that considers information such as the number of violations in the employee's work history, the time since a prior violation and the employee's tenure.

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*About 58 percent of the LMPD survey respondents said the performance system is fair, and 54 percent agree that the investigation of citizen complaints is fair.*

*However, only 26 percent agree that the discipline process is fair.*

Some interviewees shared that LMPD leaders perceive the disciplinary process to be fair, and as evidence, cited the Department's record when a decision is appealed. The LMPD provided records that indicate 13 appeal hearings have occurred since 2015, before the Police Merit Board was established. In those hearings, the Chief's discipline was upheld in its entirety in 11 appeals, and in two appeals, the discipline was moderately reduced. The LMPD argues these decisions prove the disciplinary process is fair.

However, the Merit Board hearing is a culmination of a disciplinary review process, not the entire process, which includes all the elements of an IA investigation. A number of factors could affect why discipline is upheld, overturned or modified on appeal, including procedural reasons (e.g., the appeal was not filed in a timely manner) and substantive reasons (e.g., witnesses favorable to the officer are unavailable to testify). In addition, some LMPD personnel choose not to appeal and question the impartiality of the Police Merit Board, believing the Merit Board "rubber stamps" disciplinary decisions. As previously noted, on December 2, 2020, the Metro Council formally established the Civilian Review and Accountability Board and the Office of the Inspector General, which, in collaboration with the LMPD's leadership, should also help address these concerns.

When these factors are considered, we believe it is unreliable to cite appeal decisions as the measure of fairness of the disciplinary process. We recommend the LMPD publish an annual review and analysis of disciplinary decisions, without listing the actual names of involved personnel, including minor corrective action, to assist in promoting internal support of the disciplinary process.

Law enforcement and government leaders face increased scrutiny regarding the degree to which an officer's complaint or disciplinary record is transparent and publicly accessible. We recommend the LMPD and its partners work collaboratively to identify contractual or statutory barriers that could be modified to increase public access to the LMPD's data, including the outcomes of sustained disciplinary cases.

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<sup>51</sup> The San Jose, California Police Department is one example of an agency that has used a Disciplinary Review Panel process successfully for over 20 years. Further details on this IA process may be found at: *Law Enforcement Best Practices: Lessons Learned from the Field*. U.S. Department of Justice Office of Community Oriented Policing Services, Washington, D.C., 2019. <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>



We also suggest seeking input from local individuals or groups who have criticized the LMPD or policing in general. Providing voice to individuals or groups who are critical of law enforcement supports legitimacy of the process and the Department.

## Recommendations

Rec. #	Recommendation
2.4.1	Have LMPD leadership review and commit to establishing and maintaining timelines for completing each stage of the investigative process to ensure investigations are completed within 180 days.
2.4.2	Commit to using case management software more effectively to enhance case tracking and assist in analyzing data needed to make intelligence-led decisions regarding officer and organizational behavior.
2.4.3	In the IA investigation policy, task the PSU commander officer with routinely reviewing complaint investigations to determine patterns of conduct by officers or units that appear to be detrimental to the Department or the community per its SOP.
2.4.4	Modify the definition of the “Unfounded” complaint category from “the allegation was baseless or false” to “the misconduct did not occur or did not occur as alleged.”
2.4.5	Assign command-level personnel the task of completing the findings, making any appropriate discipline recommendations for IA investigations, and then forwarding those findings in written form for review up the chain of command. The Chief should ultimately review and provide final adjudication. Such a change would speed up the review and adjudication process.
2.4.6	Consider conducting community engagement efforts and initiating other feedback requests, including a survey of those who filed complaints over the last three years, to obtain data on the community’s perspective of the IA investigation process.
2.4.7	<p>Consider using a disciplinary matrix and a disciplinary review committee or panel to assist in examining the merits of an investigation and recommend corrective action where violations are sustained.</p> <p>Such matrices and panels help ensure that similar discipline is meted out for similar misconduct, while accounting for the principle of progressive discipline, which considers information such as the number of violations in the employee’s work history, the time since a prior violation and the employee’s tenure.</p> <p>The panel should include members of the subject employee’s chain of command, from the immediate supervisor up to the Chief, to help ensure a thorough, fair and objective discussion concerning the merits of the case and employee.</p>
2.4.8	Continue to implement the online complaint affidavit form, which provides relatively easy access for citizens with internet access, until an electronic IA database is developed. Continue to make paper forms available at convenient locations in the Metro area to accommodate those without internet access.



- 2.4.9 Make the Department's quarterly review and analysis of disciplinary decisions more accessible to the public.
- 2.4.10 Consider conducting a demographic analysis of personnel who have been the subject of IA investigations and discipline, which would be insightful given the level of mistrust of the system and the belief of bias toward officers of color.
- 2.4.11 Consider how to change the IA policies and practices to ensure the community believes that the processes are legitimate and that employees expect the system to be thorough, fair and objective.
- 2.4.12 Ensure supervisors and commanders take a more proactive role in assisting an individual to file a complaint, such as taking the complainant's contact information and facilitating a follow-up call with a representative from the LMPD's IA functions.
- 2.4.13 Consider expanding first-line supervisors' responsibility to conduct lower-level misconduct investigations as a means of reducing the number and types of cases investigated by the PSU staff.



## 2.5 Early Intervention System

An effective and comprehensive early intervention system (EIS) has the potential to address many internal and cultural issues within the LMPD. It can overcome the perception or reality of inequitable treatment by ensuring officers undergo a uniformly administered system. It can address mistrust that the rank-and-file personnel have regarding the Department's administration of corrective action. If done correctly, an EIS builds on employees' successes, thereby effectively addressing the various stressors and traumatic events inherent to the law enforcement profession. It also promotes communication between supervisors and their subordinates. The EIS is a critical component of providing for a healthier and well-adjusted workforce if the LMPD is to practice procedural justice.

### Policy Development

The LMPD established EIS SOP 2.28 on October 10, 2011 and revised it on December 23, 2019. The LMPD had developed an EIS prior to the Breonna Taylor settlement agreement.<sup>52</sup> However, the system was never fully implemented. One reason for not implementing the system was attributed to an ongoing effort to establish the thresholds and triggering events and criteria associated with EIS implementation.

As part of the release and settlement agreement in September 2020 following Breonna Taylor's death, the parties agreed to specific police reform commitments as outlined within Exhibit 1, Paragraph 6 titled, "IAPro." This specified that the LMPD would implement an "early warning system," which would be tracked in the Department's IAPro system. At a minimum, the LMPD must track "all uses of force incidents, citizen complaints, investigations, and other key factors."

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### + KEY DEFINITION

#### Early Intervention System

An early intervention system (EIS) is a management process that law enforcement agencies use to monitor employee performance or behavior through administrative data. An EIS is designed to be non-disciplinary and identify officers in need of assistance, thereby enabling agency personnel to intervene with the appropriate support to prevent a future incident that would harm employees, the public or the employees' careers.

An EIS monitors operational data sources and identifies individuals who may be in need of supervisory intervention based on their individual work-related behaviors and risk factors, such as the number of complaints received, disciplinary actions, uses of force, sick days taken, failure to appear in court, firearm discharges and preventable traffic collisions.

An EIS is a management tool to increase department accountability and help employees meet the department's values and mission statement.

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<sup>52</sup> Settlement Agreement, Release & Indemnification, Defense & Hold Harmless Agreement re: Tamika Palmer, Administrator of the Estate of Breonna Taylor v. Brett Hankison, et al. Jefferson Circuit Court, Case No. 20-CI002694





The purpose of this tracking system is to identify officers “who may be in need of additional assistance or training.” In response to that agreement, the LMPD updated SOP 2.28 – Early Intervention System (EIS), last revised October 15, 2020. In SOP 2.28, the stated purpose of the EIS is to “actively intervene and provide guidance and assistance to members who may be going through personal issues or displaying changes or problematic behavior patterns in their work performance.” As part of the EIS, specific activities, including those enumerated incidents in Exhibit 1 of the Breonna Taylor settlement agreement, are captured and tracked in the IAPro system.

### Working Group

The LMPD has been working on finalizing the establishment of an EIS working group under the supervision of a lieutenant. Although the full working group had not been established as of the date of this report, we recommend the group represent a cross-section of the Department including, at a minimum, FOP representatives, a contracted clinical psychologist, LMPD leadership, the PSU, the PIU and supervisory staff. The working group’s initial task is to implement an EIS as promulgated within the draft SOP 2.28 and research how other law enforcement agencies have used an EIS. In particular, the group will review how the Indianapolis Police Department uses its EIS. As the working group proceeds, it should involve a broad cross-section of the entire Department.

The challenges to having an effective system whereby a law enforcement agency holds its employees accountable and maintains a healthy and well-adjusted workforce is dependent on the officers accepting that an EIS is a valuable tool designed to prevent future police misconduct.

Although the LMPD never implemented the EIS, the Department provided training on the EIS policy to Department employees. In our survey of LMPD personnel, a majority (55.3 percent) disagreed or strongly disagreed when asked whether the Department’s EIS effectively identifies at-risk behavior among officers. More than two-thirds of the respondents disagreed or strongly disagreed when asked whether the LMPD’s EIS helps prevent future police misconduct and whether the system is fair or beneficial. LMPD employees’ response to this question indicate that many assumed that the LMPD had implemented the EIS as they had been trained on the system and its processes. This also indicates that the LMPD needs to engage in much more education and training to help personnel understand the critical benefits that come through the effective use of an EIS, such as helping them to avoid misconduct in the first place. Furthermore, once in place, an effective EIS speaks for itself. Personnel will learn that the LMPD is using the EIS in a positive and productive way to the benefit of LMPD personnel.

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*Over 55 percent of the LMPD personnel disagreed or strongly disagreed when asked whether the Department’s EIS effectively identifies at-risk behavior among officers.*





The EIS working group is developing guidance on how to use the EIS to intervene early to address work performance issues before they lead to misconduct or other issues. The working group recognizes that some situations may evolve into a referral to the PIU or PSU. However, the EIS working group acknowledges the importance of involving union leadership to help Department personnel understand that the EIS was not created or intended to be used to build cases against officers for IA investigations. Rather, it is a way to prevent serious officer misconduct, which directly benefits the officers.

Moreover, while it is important to promote internal healing and recovery within the LMPD, it is equally important for this process to support the Department's efforts to gain the community's trust. If the LMPD wishes to build a trusting relationship with the community, it needs a strategy to accomplish this goal in relation to the EIS.

Returning to what the community may see as "business as usual" will not work, and in fact, it may serve to exacerbate tension between officers and the community. Not only is the EIS strategy important to the community's wellbeing and confidence in the Department, but it also serves as a healing process and helps build open lines of communication with the community. The implementation of an effective EIS program can help demonstrate to the community that the LMPD is proactively ensuring its officers receive the training and counseling they need.

## Design

The LMPD must establish what activities are part of the EIS if it is to serve as an integrated process whereby supervisors have ongoing dialogue and productive interactions with officers. The EIS cannot be narrowed to a few triggering events or incidents, as specified within Exhibit 1 of the settlement agreement. It must consider a much broader range of indicators to discern when an officer's work performance or behaviors are changing or may be suffering.

Typically, indicators such as use of sick time, tardiness to work, an officer's appearance and a change in an officer's overall demeanor are imprecise. However, if tracked properly, they could serve as early indicators of an officer experiencing challenges or difficulties, which left unchecked could adversely affect the officer's overall performance.

The LMPD's revisions to SOP 2.28 on the EIS outline procedural steps to follow once the system raises a "warning flag" on an officer. The working group has not determined which events and what frequency of events will trigger a "warning flag" as part of a matrix. Before setting up a counseling session with an officer, an EIS Coordinator will be responsible for monitoring the IAPro tracking system, screening the alerts and, when warranted, will arrange to notify the commanding officer or immediate supervisor. After this, a supervisor will be responsible for setting up a counseling session with the officer, which the supervisor documents and adds to the IAPro tracking system when the session is complete.



A significant way to address officers' suspicion about the EIS is to promote honesty and transparency about when supervisors are required to make referrals to the PSU. The working group must ensure the EIS process and matrix include a mechanism for informing Metro's Inspector General of certain activities in IAPro depending on the behavior. The LMPD should review and evaluate model programs to help guide this process, but nevertheless, the Department should address this as part of the overall system so officers' trust in the system is strengthened.<sup>53</sup>

The EIS-related revisions to SOP 2.28 require counseling supervisors to maintain strict confidentiality regarding personal or health-related matters that may be discussed during a counseling session. Safeguards are in place to keep the counseling sessions private; however, the EIS Coordinator can review a summary of the counseling session in the IAPro record. The SOP identifies situations when a supervisor has a duty to report certain disclosures on the part of the officer. This section of the SOP requires precise language regarding those situations that may require further disclosure to the Department administration, such as where an indication exists that an officer may be engaged in self harm or criminal behavior. The policy also needs safeguards to ensure the counseling supervisor properly reports those situations. The working group should define these safeguards.

Although not specific to either the EIS' or the Department's Peer Support Team's (PST) overall missions, in the interest of promoting officer wellness programs, the LMPD should consider building employee wellness programs into the Department's operational fabric. A number of officers have recently undergone stressful and traumatic experiences. Although counseling sessions may be helpful on an individual basis (i.e., with a clinical psychologist as part of an EIS) or in group settings (i.e., with the PST), it is necessary to provide ongoing after-care and develop comprehensive strategies to support officers' overall healing process, which demonstrates to officers that the Department is truly interested in their wellbeing (see section 2.12 Procedural Justice). Additionally, it is important that the LMPD train the commanding officers and supervisors responsible for counseling officers on effective techniques, which is critical for the EIS to succeed in its intended purpose to prevent misconduct and ensure personnel view the system positively.

Challenges are inevitable when implementing anything complex but working group interviewees recognized that avoiding any major missteps is necessary to ensure the EIS is effective. The EIS must be part of a much larger strategy so it can function within a wellness and safety program for officers. The EIS cannot be the only method of intervening when officers are experiencing challenges to their overall wellbeing.

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<sup>53</sup> *Law Enforcement Best Practices: Lessons Learned from the Field*. U.S. Department of Justice Office of Community Oriented Policing Services, Washington, D.C, 2019. <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>



## Relationship to Discipline

As mentioned, working group members and other participants in the development process are concerned about the EIS' potential to link to the LMPD's disciplinary system. We recommend the Department examine its overall disciplinary system and determine whether it takes a punitive approach to sanctioning officers, rather than one centered on the principles of progressive discipline.

Specifically, the LMPD needs to ensure that its disciplinary system accomplishes the following.

- + It is part of a constructive and positive effort to address officers' performance issues (i.e., it involves the guiding principles of restorative justice, mentoring, peer support, mediation).
- + The process for addressing misconduct accounts for the importance of gaining an understanding of the underlying causes and then addresses them if an officer violates the Department's rules and regulations.
- + It has safeguards, such as appropriate follow-up monitoring, to ensure the corrective action has been adequately addressed and the work performance has been brought back into line with Department standards.
- + The process addresses when the behavior cannot be corrected and when and if supervisors and command officers should consider terminating the employee's contract with the LMPD.

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### + KEY CONCEPT

Progressive discipline centers on changing behaviors so employees comply with an agency's standards and set a performance standard for the organization.

LMPD personnel need to be clear and transparent in EIS policy regarding when – despite corrective counseling or other actions – a situation may lead to formal discipline. Department personnel may meet this with skepticism and suspicion, as they have been advised that an EIS is not supposed to focus on punishment. However, the LMPD needs to be honest and transparent about the potential outcome when all other reasonable interventions have failed and the EIS identifies behaviors that have led to misconduct. Without this transparency, the EIS is more likely to be less effective. Transparency must be incorporated into the overall EIS processes.



## Recommendations

Rec. #	Recommendation
2.5.1	Ensure the working group continues to consult with – if not involve directly – union leadership.
2.5.2	Have the working group continue its efforts to identify EIS best practices.
2.5.3	Ensure the working group includes the LMPD's PST in the process of developing the new SOP. Task the PST with playing a supportive role in early intervention engagements with officers due to its experience and the relationships it has developed in interacting with personnel who need assistance.
2.5.4	Train the commanding officers and supervisors responsible for counseling officers on effective techniques, which is critical for the EIS to succeed in its intended purpose to prevent misconduct and ensure personnel view the system positively.
2.5.5	Prioritize ongoing after-care efforts and develop comprehensive strategies to support officers' overall healing process, which not only helps officers but demonstrates the Department truly is concerned for their wellbeing (see section 2.12 Procedural Justice).
2.5.6	Develop the EIS in a manner that builds stronger relationships with the community. To that end, ensure it demonstrates how the Department proactively identifies officers who may not meet Department standards before misconduct occurs and that officers receive the needed counseling and treatment.
2.5.7	Increase education and training to help employees understand the critical benefits that come to them through the effective use of an EIS, such as helping them to avoid misconduct in the first place.
2.5.8	Develop a comprehensive officer wellness program that demonstrates to employees that the LMPD values them. Empower officers to engage one another – and community members – with mutual respect, concern and support.



## 2.6 Community-Oriented Policing

### Community Engagement

#### History of the LMPD's Community Engagement Efforts and Relationships

Many community members we interviewed believe Louisville's police-community relations have been problematic for generations. Breonna Taylor's death placed a national spotlight on this troubling history and increased the public demand for reform, particularly from Black residents and other communities of color. Many community members stated that most LMPD officers do not engage in community policing and often seem focused only on enforcing laws rather than getting to know the community and working with them to solve problems. Many said officers do not demonstrate personal commitment to the community to which they are assigned or an understanding of community issues, nor do they attempt to reach out to those in need. These sentiments reflect poorly on the LMPD as a whole, undermine the good efforts of officers who do engage the community directly, and hinder efforts to improve relationships.

Residents mentioned that they believed the previous level of trust between the LMPD and the community had been higher. Some residents, LMPD employees and elected officials reported that during the tenure of LMPD Chief Robert White from 2003 to 2011, he ensured increased accountability for the Department and its officers, which drove a trusting relationship with the community that has eroded significantly since then.

As one interviewee shared, the community believed that "a lot of promises [were] made and lots of promises [were] broken." Some residents believe that the Department, despite holding meetings with community members, has not made much progress with the Fraternal Order of Police (FOP) regarding working with the community to improve relationships. Other residents and LMPD interviewees reported that the FOP leadership is taking positive steps toward working with the LMPD and the community to address community concerns. For example, the FOP reinstated the Minority Affairs Committee, whose members have participated in community outreach and engagement after Breonna Taylor's death. Both Department and community members recognize that community engagement and collaboration is a key to lasting success.

The LMPD has taken steps toward connecting and working with the community to address crime and quality-of-life issues. For example, the LMPD created the Community Engagement Unit to enhance and develop police and community relationships through consistent engagement. The LMPD coordinates the Citizens' Police Academy, Clergy Police Academy, Neighborhood Watch Program and Advisory Councils, which involve outreach and collaborative work with Louisville Metro communities. Additionally, the City of Louisville, Louisville residents and the LMPD initiated the Synergy Project to further strengthen public safety and public trust relationships. To build on this progress, the LMPD should take steps to ensure residents have an active voice in creating and amending the policies, procedures, training and other aspects of the Department that could directly impact the community.



Moreover, some community members mentioned they have observed positive interactions between LMPD officers and the community. For example, some have seen officers stopping to talk to residents, specifically young Black men, in an effort to create positive interactions. These efforts are notable, but do not go far enough. They represent the exception, not the rule. As discussed, the history of negative law enforcement interactions with the Louisville community are of great concern and the LMPD must make significant changes to improve community relations.

### **Community Engagement Performance Measures**

Despite the small size of the LMPD Community Engagement Unit and the limited programs offered, most Department personnel we interviewed and many who commented in surveys believe all officers should be involved in the Department's police-community relations improvement efforts. In fact, a best practice is to ensure all officers have a role in community policing and engagement. Each encounter between an LMPD employee and a community member provides an opportunity to build relationships. This is particularly true during motor vehicle stops. Yet, many residents said LMPD officers have negative interactions with those they stop, particularly younger drivers.

The LMPD should consider gathering data on positive and negative police officer and community member interactions during vehicle stops, community events and other instances to learn about the community's evolving perception of these interactions, particularly as the LMPD implements new efforts. Officers can track these interactions with a clearance code they enter into the Department's computer-aided dispatch (CAD) system, which indicates they engaged in proactive, ongoing community engagement efforts, which will allow the CAD system to track the number of such interactions in specific areas of the Metro region, as well as the amount of time spent on such activities. The LMPD can then analyze this data. The LMPD could also conduct regular satisfaction surveys to collect feedback on the progress the Department is making.

### **Community Input for LMPD Policies**

Many Louisville community members do not feel they have input on how the LMPD operates in their neighborhoods. Additionally, they believe the LMPD has not addressed their grievances and complaints, which have contributed to the breakdown in police-community relations.

For example, many community members told us that negative interactions consistently take place during no-knock warrants, and the LMPD takes minimal accountability. Many stated that Breonna Taylor was not the first person to whom the LMPD served a no-knock warrant and something went wrong. While most of these community members did not have first-hand experience or knowledge of these events, their perception of the situation speaks to the distrust between them and law enforcement personnel.



Residents who we interviewed expressed their belief that officers do not wear body-worn cameras (BWCs) when required. If this perception is correct, such disregard by officers is a violation of the LMPD's policies and could be indicative of lax supervisory oversight. Regardless of whether this is an accurate assessment, it suggests that supervisory personnel need to engage in closer scrutiny, examine the Department's auditing process, and consider the need for retraining. The LMPD cannot dismiss this community perception and needs to address it in such a way to demonstrate the uniform application of BWC and its benefits such as reducing suspicion and building public trust.

The LMPD should develop a written community engagement strategy that includes goals, measurable objectives and performance measures for all Department personnel, regardless of assignment. The strategy should identify key community influencers and provide for regular gathering and analysis of community feedback. These individuals can help promote and enable conversations between the community and the Department. Such an effort would help build relationships between the LMPD and community organizations, businesses and community leaders who have the knowledge and resources to help address these concerns. The Department should create more opportunities to receive community feedback and include community members in the development, implementation and evaluation of its policies and procedures.

### **Community Involvement in the Complaint Investigations Processes**

As noted, many residents voiced concerns about how long it takes the LMPD Professional Standards Unit (PSU) to complete its investigation of complaints and for the Department to determine discipline. Stakeholders have called for an independent civilian review board with full authority and accountability to review the complaints filed against the LMPD. Many believe that civilian review mechanisms can help improve how the Department handles disciplinary matters. Some have called for more subpoena power for the board and the Office of Inspector General.

Others believe the LMPD has a "good-old-boys" network and, as such, the Department does not hold some officers accountable as thoroughly and consistently as they should. We are aware that the Metro Council is currently establishing some form of civilian oversight. We agree that civilian oversight would benefit the LMPD, and the Department could consider a number of models<sup>54</sup> implemented across the country. Additionally, we recommend the LMPD create a community-based mediation program to address allegations of police misconduct. The Department could partner with an existing community mediation program or another organization that trains, mediates and promotes collaborative problem-solving through alternative dispute resolution.<sup>55</sup>

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<sup>54</sup> *Building Trust Between the Police and the Citizens They Serve*. U.S. Department of Justice Community Oriented Policing Office and International Association of Chiefs of Police, 2009. [https://www.theiacp.org/sites/default/files/2018-08/BuildingTrust\\_0.pdf](https://www.theiacp.org/sites/default/files/2018-08/BuildingTrust_0.pdf)

<sup>55</sup> *Law Enforcement Best Practices: Lessons Learned from the Field*. U.S. Department of Justice Office of Community Oriented Policing Services, Washington, D.C, 2019. <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>





## Sociopolitical Barriers and Concerns

Many residents have called for truthful and honest conversations about the underlying sociopolitical problems that impact police-community relations, including systemic racism, persistent poverty, and gaps in education and income. Additionally, Black residents shared concerns about the LMPD's use of deadly force. Some community members expressed concerns about the impact that unrelenting stress and strain has on LMPD personnel.

Residents shared their belief that the LMPD lacks understanding about these issues, and noted they believe the officers seem to think they are "good cops in a world of bad people." Economic decline in some of Louisville's Black communities has also led to frustration as the Metro government defunds local social services but has historically increased funds for policing. Some residents argued that funds that go to the LMPD should instead benefit neighborhood transformation initiatives to address social issues and the accompanying problems.

Some community members expressed concerns about the many LMPD officers who do not live in the city, as they believe it prevents them from understanding the community and its needs and getting to know the people who live in the communities that they patrol. This has a negative impact on the ability for the LMPD and the community to connect and collaborate to address the social issues that drive crime in their neighborhoods. We note that as a part of the Breonna Taylor settlement agreement, the Metro government will create a program to incentivize officers to live within specific census tracts in the City of Louisville.<sup>56</sup> The concerns the community has about the LMPD and the issues within the Department they identified combine to create a wall that prevents the community and the Department from working together and creating meaningful relationships that can facilitate successful community policing.

It is difficult, if not impossible, to foster positive police-community collaboration and programs if distrust is present and corrosive. If the LMPD and community effectively partner to recognize and address these sociopolitical and economic realities under a common vision, the Louisville Metro region can become a more inclusive and positive place. A reconciliation model could start the LMPD and the community down the path of real improvement.

The National Initiative for Building Community Trust and Justice's (NIBCTJ) reconciliation model, which is a best practice in public safety, encourages recognizing past harms and listening to community stakeholders.<sup>57</sup> The model outlines how to investigate the causes of trust breakdown, understand the concerns of community members and law enforcement personnel, pinpoint necessary policy changes to enhance relational dynamics, and ensure the law enforcement agency and community are dedicated to working together to implement changes and reforms.

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<sup>56</sup> Settlement Agreement, Release & Indemnification, Defense & Hold Harmless Agreement re: Tamika Palmer, Administrator of the Estate of Breonna Taylor v. Brett Hankison, et al. Jefferson Circuit Court, Case No. 20-CI002694.

<sup>57</sup> "Attorney General Holder Announces the First Six Pilot Sites for the National Initiative for Building Community Trust and Justice." U.S. Department of Justice Office of Public Affairs, 12 March 2015. <https://www.justice.gov/opa/pr/attorney-general-holder-announces-first-six-pilot-sites-national-initiative-building-0>





Based on community feedback, for these measures to succeed, the LMPD must take significant and novel steps to rebuild community trust, as the community must be able to trust the LMPD to implement community policing principles and programs. Reconciliation is needed between residents and the LMPD. Using the NIBCTJ's model as a guide will assist LMPD leadership in accomplishing this goal.

## Community-Oriented Policing

### Strategies

The LMPD Community Services Unit is in the Community Services Division. Until recently, a civilian Public Information Officer served as director of the community policing efforts. Although the Unit has a few notable projects underway to improve community relationships, when the residents in communities of color were asked about community policing, they often expressed concern about the right officers working in community engagement. The community says the “right” officers, regardless of race, genuinely want to solve problems, engage, build relationships and empathize with the communities they serve. The LMPD should cultivate a diverse group of officers as problem-solvers who want to improve policing by interacting with the community.

The Synergy Project, the aforementioned year-long project designed “to strengthen relationships between police and residents to increase collaboration grounded in trust and legitimacy,” is among the Community Services Unit’s major initiatives.<sup>58</sup> The Synergy Project’s purpose is to bring together community stakeholders and Department personnel. Participants are assigned to smaller groups with members of diverse backgrounds and experiences, and they talk about a variety of subjects from their vantage points.

The small-group interactions allow participants to get to know one another more intimately, and everyone has an opportunity to inquire about and understand the differing perspectives. Ultimately, the interactions help foster understanding and empathy, which helps generate greater collaboration. The program was successful and afforded better results than previous regular townhall meetings. However, it was interrupted in 2020 due to the COVID-19 pandemic. This is a promising program that should continue.

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<sup>58</sup> “What is the Synergy Project.” Lean into Louisville. <https://www.leanintolouisville.org/synergyproject/>



The LMPD should encourage officers to collaborate with all sectors of the community. An example discussed in community interviews would have officers meet with formerly incarcerated individuals. These individuals could participate in an academy program where police recruits can learn directly from them as they share their experiences, which could help humanize those who have committed and been convicted of crime in the eyes of LMPD personnel. We met with some formerly incarcerated individuals who welcomed the opportunity to engage with the LMPD, and we believe their input could be invaluable for the Department. This type of dialogue can bring unique insights to officers and community members and foster a better environment for the success of formerly incarcerated individuals.

The LMPD should recognize and reward these types of community-oriented policing and community engagement efforts. The Crisis Intervention Team (CIT) has an officer award and recognition process that the Community Engagement Unit could emulate. Community-oriented policing efforts should follow the same process for rewarding officers who create and implement successful community-policing strategies. It would also be beneficial to showcase these officers so the community, elected officials and the media can learn about individual efforts.

The Department has no career-enhancing incentives that encourage officers to become more deeply involved with community engagement. Success in these positions should make them attractive candidates for supervisory and leadership positions. The Department should include measurements for community engagement activities in evaluation criteria for performance that contribute to promotability. Promotion processes would be better implemented by rewarding hard workers who successfully engage the community.

Further, officers who have already participated successfully in community engagement efforts should be able to continue using their experience to develop effective programs and strategies. These officers should be given the opportunity to present to command staff their ideas for projects and gain the necessary approval and support for their efforts.

## Training

The academy offers a three-hour block on community-based policing in Week 5 and then a one-day community service project in Week 25. Otherwise, recruits do not receive formal community-policing training aside from the training provided for officers in the Community Engagement Unit. The Community Engagement Unit is not involved in the police academy's instruction on community policing.

We recommend that the academy allow using officers with a record of success in these areas to teach community engagement and community-oriented policing. The academy should also weave the principles of community engagement into all aspects of basic academy training. Recruits should learn how maintaining positive relationships with community members can help achieve better outcomes. The curricula should explain that officers “serve and protect” all community members. The LMPD should train its personnel on reconciliation approaches so they can recognize and understand



systemic and cultural fractures in the Department and the community and use this knowledge to inform future community policing strategy and engagement.

Instilling such community engagement strategies allows officers to better combat bias and de-escalate situations that historically divided the LMPD and the community. Officers must know and recognize that although the Department has a Community Engagement Unit, every officer should operate with a community-policing mindset. This should shape and guide their thoughts and actions. Officers should consistently use problem-oriented policing during encounters in the community.

### The Future of Community Policing

Our survey revealed that 88 percent of community respondents believe the LMPD’s role should be to build and sustain collaborative community relationships, and over 70 percent of the officers who responded to the LMPD survey agreed. Additionally, despite the many difficult issues described above, most community stakeholders with whom we interacted expressed their desire to work productively with the LMPD to address the concerns and issues that affect the community and the Department. Many told us they want to find ways to get to know the officers and work with them for the betterment of Louisville’s many communities, which is fundamental to improving community-police relations. These statements by community members and Department personnel are significant indicators of the success possible for collaborative community policing programs.

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*88 percent of community survey respondents and over 70 percent of the LMPD survey respondents agreed that it is the LMPD’s role to build and sustain collaborative community relationships.*

Unfortunately, despite efforts by the LMPD and the community, community policing and community engagement are far from commonplace in Louisville. Most LMPD community programs are designed either to deliver a service or, more commonly, simply demonstrate something is being tried in an attempt to engage the community. The common thread for success is not random, siloed programs, but real partnership that begins with the Mayor, the Chief and the LMPD understanding that to eliminate the current “us vs. them” mentality that exists in the Department and the community, they must create a resounding “us” with the community. The LMPD must work with community partners to create training for LMPD personnel to improve their understanding of the historical, social and equity issues that contribute to concerns about public safety.

To ensure long lasting success in Louisville’s public safety, the City and Department must commit to and insist upon community engagement through real collaboration and partnership with the community.



## Recommendations

Rec. #	Recommendation
2.6.1	Develop a written community engagement strategy that includes goals, measurable objectives and performance measures for all Department personnel, regardless of assignment. The strategy should identify key community influencers and provide for regular gathering and analysis of community feedback.
2.6.2	Train personnel on reconciliation approaches so they can recognize and understand systemic and cultural fractures in the Department and the community. Use the training to inform future community policing strategy and engagement.
2.6.3	Develop performance measures that reflect the principles of community engagement, procedural justice, collaboration, problem-solving and trust-building. Community-oriented policing principles apply to all police work, not just patrol.
2.6.4	Ensure residents have an active voice in creating and amending the policies, procedures, training and other aspects of the Department that could directly impact the community.
2.6.5	Expand the role of the community to include a civilian review process or independent monitoring program in the IA and disciplinary process. The community should have a truly independent voice and codified role.
2.6.6	Work with community partners to create training for LMPD personnel to improve their understanding of the historical, social and equity issues that contribute to concerns about public safety.
2.6.7	Create a community-based mediation program to address allegations of police misconduct. Consider partnering with an existing community mediation program or another organization that trains, mediates and promotes collaborative problem-solving through alternative dispute resolution. <sup>59</sup>
2.6.8	Task LMPD personnel who have a history of success in these areas with teaching community engagement and community-oriented policing in the police academy.
2.6.9	Recognize and reward community-oriented policing and community engagement efforts in a manner similar to the CIT awards.
2.6.10	Encourage officers to collaborate with reformed individuals with past legal challenges and include a program through which they can teach recruits in the basic academy.
2.6.11	Provide incentives for Department positions that involve community engagement to make them attractive and highly valued within the organization.
2.6.12	Give officers who have already participated successfully in community engagement efforts more ability to continue using their experience to develop effective programs and strategies. Provide opportunities for these officers to present to command staff their ideas for projects and gain the necessary approval and support for their efforts.

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<sup>59</sup> *Law Enforcement Best Practices: Lessons Learned from the Field*. U.S. Department of Justice Office of Community Oriented Policing Services, Washington, D.C., 2019. <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>



## 2.7 Recruiting and Hiring

### Recruitment Structure

The LMPD is largely responsible for recruitment efforts, but the Civil Service within the Metro Government's Human Resources Department oversees the initial application and screening phases of the hiring process. Within the Training Division is a Recruitment and Selection Unit, which is comprised of a sergeant and four officers. This Recruitment and Selection Unit attends various job fairs, community and other networking events, local academic institutions and the military to attract candidates to the LMPD. Generally, these activities take place just before a hiring cycle, which the Metro Human Resources Department coordinates.

The LMPD, like many law enforcement agencies, is seeing a steady decline in applications for employment. Additionally, the LMPD has struggled to provide competitive salaries and benefits for officers. Due to the increased scrutiny and calls to defund the police, this challenge has been even more pronounced. Officers are reportedly leaving the LMPD after being fully trained to go to smaller law enforcement agencies with higher pay, fringe benefits, and where the working environment and community climate is better. To address some of these critical recruiting and retention challenges, Mayor Greg Fischer led an effort to increase salaries for the LMPD's personnel to make the Department's salaries more competitive. As a result, in November 2020, the Louisville Metro Council approved a new contract that raised the starting salaries of new officers from \$35,000 to \$45,000.

LMPD leadership has stated that the current challenges associated with recruitment are profound, and various causes have hindered efforts to fill positions. Aside from the social turmoil the community has experienced throughout the year, which has had a chilling effect on people wanting to join the Department, the LMPD has experienced cutbacks. For example, staffing has decreased, especially among officers charged with the recruitment and selection process.

The LMPD is recruiting for its February 2021 academy class. Historically, the LMPD has looked beyond the immediate Louisville Metro region and attempted to attract a broader base of potential candidates. This has resulted in a relatively large investment for the recruiting effort with limited returns. However, a recent internal report, "LMPD 2020: Targeting Recruitment, Hiring, Retention and Promotion of Minorities and Women," identified that the most significant recruitment successes have been through the encouragement of individuals who are part of the employee network for the Metro government.<sup>60</sup> As a result, the LMPD needs to examine whether the applicants it is trying to attract will respond to the new planned marketing campaign (i.e., the recruitment video).

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<sup>60</sup> "LMPD 2020: Targeting Recruitment, Hiring, Retention and Promotion of Minorities and Women." Louisville Metro Police Department, dated 1 March 2020,



The LMPD needs to focus on how to make its recruiting materials and efforts more appealing to the diverse group of candidates it is struggling to hire by:

- + Determining what type of individuals to hire,
- + Working with internal and external stakeholders familiar with the concerns and interests of those individuals, and
- + Maximizing the social media efforts that would be most useful for that target audience.

Generally, the LMPD recruits in much the same way it has been policing. It takes a mostly internal approach to recruiting without always leveraging the resources of potential community partners. Community-based groups expressed a desire to be actively involved in the recruitment process, but only if they believe the LMPD values and embraces their partnership and can demonstrate its desire to have a better relationship with the community. This shift to community partnership would mean developing a trusting relationship and a reliance on the community organizations to help identify and support candidates for LMPD positions.

The hiring ratios among white candidates and candidates of color have changed little over the last eight years. Although the LMPD 2020 Report suggests that the LMPD's hiring numbers are comparable to other similarly situated agencies across the country when it comes to hiring women and people of color, the LMPD should make a concerted effort to match the demographics of the Louisville Metro region in its recruitment efforts. Public safety agencies that reflect the diversity of the community are more likely to develop trusting relationships.

The Training Division commander has shifted recruitment efforts to target academic institutions and community-based organizations and tasked the recruiting officers with building and maintaining ongoing relationships to support this effort. This is an expansion of past activities where recruitment was limited to attending the occasional job fairs, community events and occasional visits to area colleges and universities.

Given the large military presence in the Louisville Metro area, the commander has also focused more attention on potential candidates who are separating from the military. This strategy presents its own challenges, as those with a military background must transition from a military orientation to an organization focused on implementing a community-oriented policing philosophy. This is not to suggest that former military personnel would not make excellent police officers. They can be good candidates due to their intellectual maturity, broad life experiences, ability to work in a more structured work environment and the precedent set by former military members who have excelled in law enforcement agencies. However, the LMPD should seek candidates who possess the skill sets required to succeed in a 21<sup>st</sup> century, community-focused policing environment.



## Background Screening

Screening candidates is a key component of the hiring process. It represents one of the best opportunities for a law enforcement agency to find the most qualified candidates who possess the moral character and skills expected within the profession. The LMPD needs to examine whether its current background screening criteria can effectively forecast a candidate's future success.

The LMPD 2020 Report recommended the Department modify some of the conventional disqualifiers for an individual looking to serve as a police officer, such as a candidate's prior use of marijuana, which was subsequently lowered from three years to one year since their last use. As the Department considers changing any of the conventional disqualifiers, it must continue to conduct thorough background checks, which are an important aspect of predicting a candidate's future behaviors and evaluating whether the criteria may result in unintended biases when applied against individuals who have unique life experiences.

Some internal stakeholders have pushed for reducing the amount of time a background investigation requires. Shortening or reducing the amount of time that a law enforcement agency has to vet its candidates is a double-edged sword. Generally, the background screening process is the way an agency seeks to ensure it hires candidates who have the moral character and key characteristics that will lead to future success. This effort becomes even more important as the LMPD explores ways to reimagine its policing services. As the LMPD seeks to expedite its background processing, it should explore where the time lags exist and develop strategies to overcome them.

How the background investigators and, ultimately, the hiring decision-makers assess a candidate's characteristics and personality traits through a thorough background check matters immensely. Under the conventional law enforcement model, background investigations are structured so that emphasis is placed on whether an individual will fit into a paramilitary organization because most police departments follow such a paramilitary organizational model. However, based on the current social environment and best and promising practices, the LMPD needs to consider determining whether the traditional public safety profession approach to hiring police officers meets the current demands of the Louisville Metro community. LMPD leadership can ask themselves:

- + Do the things that we once thought of as the key characteristics, knowledge, skills and abilities of an officer match the changing landscape and direction of the profession?
- + Should the LMPD review how it considers candidates from the Louisville Metro community who have been convicted of non-violent and low-level crimes whose background checks have demonstrated that they are mature, responsible and committed candidates who can bring real value to the Department?
- + What are our expectations for officers engaging and collaborating with the community, and are those efforts prioritized equally with enforcing the law?
- + Given demands regarding the expanded roles that officers now have, does a narrowly defined skill set that focuses on law enforcement really serve them well?





## Hiring Process

According to the survey we administered to LMPD personnel, 75 percent of respondents either disagreed or strongly disagreed when asked whether the candidates the Department is currently hiring are qualified for the position of an LMPD officer. A number of factors likely impact the respondents' perception of the candidates. The Department indicates that it is making improvements to the process and is screening out unqualified candidates. Regardless, this is a strong criticism of the LMPD's recruiting process and indicates the need to reflect progressive policing values in its hiring processes and to more effectively communicate to Department personnel how the LMPD is addressing recruitment and hiring.

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*75 percent of the LMPD survey respondents either disagreed or strongly disagreed that the candidates being hired are qualified for the LMPD officer position.*

The Civil Service develops the testing instruments used for LMPD candidates. The job posts and initial applications channel through the Civil Service. The examiners initially assess the applications for any automatic disqualifications. This initial screening only takes a few days to complete. The Civil Service emails candidates who are disqualified at this stage. The Civil Service then schedules an entrance examination for candidates who meet the minimum qualifications. The Civil Service developed the examination based on its Knowledge, Skills, and Abilities (KSA) assessment.

The existing KSA assessment needs updating, and the Civil Service began a new job analysis process, but it was halted because of the COVID-19 pandemic. The Civil Service assesses the KSAs of an officer in a labor-intensive and lengthy analysis. An effective KSA reflects the policing philosophy, guiding principles and fundamental mission, and as the LMPD evolves, so should its testing.

The LMPD's greatest challenge is attracting a workforce that is representative of the community. A member of the Recruitment and Selection Unit developed a proposal titled, "LMPD Recruit Internship Program." Unlike the police explorer program that the LMPD once had, this program would offer mentoring opportunities to potential candidates within the community with the goal of demonstrating how the LMPD could be a valuable working environment.<sup>61</sup> The program would have the added benefit of preparing candidates to understand and prepare for a hiring process that seems daunting on its face – with background screening, testing and post-conditional offer examinations. Maintaining regular communication between the agency and desired candidates is a way to improve recruiting in diverse communities to ensure candidates understand the processes and are supported so they can succeed.

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<sup>61</sup> Valencia, Larry, "A Guide for Mentoring Programs in Police Departments" All Regis University Theses, 2009.





The LMPD developed an initiative to encourage LMPD personnel to recruit candidates, which has the potential to be very effective. The Department needs to be clear about what it is looking for in new candidates and work to educate Department personnel about good recruiting practices and what candidates it is seeking and who will be successful in today's public safety environment. Not addressing this issue may lead to a mismatch between current LMPD personnel's thoughts about who might make a good LMPD recruit and the type of candidates who the new LMPD leadership and the community may seek to become the next generation of LMPD officers (i.e., candidates who are as focused on working collaboratively with the community as they are enforcing laws.)

### Retention

Retention impacts recruitment, hiring, promotions and the stability of the entire organization. In the survey we administered to the LMPD staff, roughly 75 percent of respondents indicated they would leave the Department if they had the opportunity. This is extremely troubling and reflects the LMPD's current state wherein officers have left in such large numbers, through retirements and resignations, that its hiring process cannot keep up with personnel losses.

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*About 75 percent of the LMPD survey respondents indicated they would leave the Department if they had the opportunity.*

Putting aside the Department's inability to staff its shifts adequately, the loss of senior personnel has resulted in younger officers being taught by officers who have little more experience than they do. This attrition not only impacts the number of frontline officers but also takes a toll on supervisory ranks. The attrition, coupled with the aforementioned survey results regarding the majority of the LMPD personnel wishing to leave the Department, demonstrates both a serious morale issue and a significant staffing concern.

### Attrition

To address the staffing shortages through attrition, the LMPD has made allowances for retired officers to return to the Department at a top patrol officer's salary. To date, approximately 30 retired officers have returned. This strategy is only a stop-gap measure and will not significantly impact the overall staffing health of the organization given the age of the returning officers and the need to develop a steady source of qualified candidates to support organizational staffing needs.

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*From July 2019 to June 2020, the LMPD lost 146 officers to resignations or retirements, but only hired 86 officers.*



The LMPD's Human Resources Department keeps detailed tracking records on the number of officers who leave the Department. According to this data, the number of officers resigning is outpacing the number of officers eligible to retire, which is historically unusual for an agency the LMPD's size. For example, from July 2019 to June 2020, the Department lost 146 officers to resignations or retirements, but only hired 86 officers.

Initially, the trend seemed to indicate officers were leaving to go to other law enforcement agencies, in part for higher salary and benefits. However, more recently, the trend seems to be changing due to the current policing climate. The LMPD has experienced a growing number of officers leaving the policing profession entirely, even when the officers have no other employment prospects. Although this is a national trend since George Floyd's death in May 2020, the LMPD has noted this trend increasing following the public outcry that began a few days after Floyd's death concerning Breonna Taylor's death, which occurred in March.

High levels of attrition also impact finances because a high resignation rate means the LMPD has a corresponding need to divert budget funds to the training of larger-than-expected numbers of replacement officers. Moreover, if those hired do not succeed with their training or choose to leave after serving just a few years, the LMPD must spend money again to hire and train a replacement officer.

The ultimate end goal for retention is to hire an individual who will spend decades with the Department and continue to bring their skills, experience and quality performance to the job. When officers leave early in their careers, the LMPD will have paid for their law enforcement training and certification but not realize the value of the officer's skills development. Potentially, if another agency hires the officer, that agency immediately realizes financial savings in that the LMPD paid for its new officer's certification training. Retention brings value fiscally and in terms of job performance and community engagement.

We learned that salary and benefits were only part of the reason for many officers' desire to leave the LMPD. Officers indicated they are increasingly feeling as though they have been abandoned by the Metro government, the larger LMPD administration and the community. Many officers said they are afraid of taking any initiative beyond answering their calls for service to avoid getting involved in a situation that may appear poorly in the eyes of the public, as well as the fear of Department leadership not supporting them if they need to take enforcement action that includes any use of force.

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*Almost 59 percent of officer respondents to the LMPD survey said they have avoided contact with criminal suspects because of the possible impact on the officer's career.*



Younger officers told us that they feel pressure from other officers within their division not to initiate any type of enforcement action. These younger officers want to feel part of the larger group who are expressing concerns about being second-guessed on their actions and because they are unsure if backup officers will be available if they are needed. This growing feeling of isolation and devaluation of their work and the risks they take on a daily basis only exacerbate the problem, serving as more pressure for officers to leave the LMPD prematurely.

Moreover, although recent changes in collective bargaining agreements have resulted in adjustments for salaries and benefits, this prevailing negative climate within the LMPD and the perception of the community's sentiment about the Department will continue to harm the Department's ability to recruit, hire and retain officers.

### **Diversity**

Ensuring diversity within the LMPD creates challenges for both recruitment and retention. Attempting to attract a more diverse pool of candidates into a working environment that does not look like the target population becomes a daunting task. The LMPD should support its recruitment efforts within diverse communities through recruitment officers who align with the diverse communities from which the LMPD seeks to attract candidates. From a retention perspective, many LMPD personnel believe that Black officers have a distinct disadvantage when it comes to assimilating into what has been a white-dominated organizational culture. Department personnel perceive that significant inequities have prevented officers of color from succeeding in that Black officers have not been given the opportunity to achieve special assignments and promotions on par with those opportunities afforded white officers.

The LMPD should appoint an individual to serve as an Organizational Diversity Officer in the Chief's command staff. This individual should possess significant organizational authority and line-level credibility. Their sole responsibility would be to focus on the Department's issues concerning equal access to career opportunities, equity and inclusion as they relate to hiring, special assignment opportunities, promotion, and retention. This effort would help to promote greater diversity across the entire organization.

### **Leadership Challenges**

Stabilizing the internal cultural factors that have caused divisions between the command levels and the officers would improve morale and may help with retention. Many Department personnel expressed to us a belief that the LMPD administration does not stand up for the frontline officers. Officers have felt the pressure of the law enforcement criticism they experience every day – internally and externally within the communities of the Louisville Metro region. Officers are fatigued and tired from days of being on the frontlines of demonstrations, protests and civil unrest. They are increasingly overwhelmed by the stress and feel that that there is no end in sight.



Predating recent events was a cultural environment within the LMPD that had not adjusted to the wants and needs of a new workforce. Nationally, fewer young people are seeking law enforcement jobs, and especially jobs within the LMPD. This may be, in part, because the Department has clung to a more traditional mode of operation as a paramilitary organization focused almost exclusively on its role as law enforcers rather than an agency that also values community engagement and collaboration in its work. Additionally, younger officers from a new generation with different ideas and expectations of what they value in their careers may not feel sufficiently recognized and valued by the organization. Their perceptions about how officers are being treated, especially those who do not feel they fit into the internal social network, can cause them to feel isolated and alone. The LMPD should consider the survey responses and evaluate its management actions to determine whether these concerns are simply anecdotal or if they have validity in the Department's hiring and retention efforts.

Despite the LMPD's efforts to provide early intervention strategies and post-incident support to officers, the Department now needs, more than ever, to begin rebuilding trust and confidence between the rank-and-file officers and the command-level leaders. Officers need to see and feel the administration's support of the work the officers do so they can gain a sense of being valued by the organization and the Metro government. When officers feel undervalued and unsupported, they have little job satisfaction, which impacts the overall quality of their service delivery and engagement with the community. Without addressing the Department's internal culture directly, the current challenges with hiring and retention will continue, if not be further exacerbated.

The absence of formal career development for officers further affects retention. The LMPD needs transparency and open selection for positions that advance skills and provide new experiences. Perceptions exist that one must have connections to advance within the organization. One immediate step the Department could take is developing meaningful career development programs that include mentorship and training to those preparing to apply for a position at the LMPD, mentorship for those who have recently joined, assistance for those preparing to apply for a specialized position, and assistance to those preparing for a promotional testing process. Although this recommendation supports other focus areas of this assessment, it is a critical pathway in taking a more deliberate approach to developing officers from the day they are beginning to think about joining the LMPD through their efforts to promote to higher ranks. Such programs could also help prevent the discouragement that officers feel about their future career opportunities and who may be contemplating leaving the Department prematurely, as well as those who might otherwise consider joining the LMPD.



A well-designed and effective career development program demonstrates an investment in an agency's officers and strives to support officers who seek advancement or wish to have a greater sense of fulfillment and job enrichment, both of which are important factors for young people considering a career in policing. It also becomes an important and visible effort by LMPD management to address the challenges it faces with recruiting and retaining personnel. Such a development program provides an effective means of building the Department's overall competency.

To begin the important work of changing the internal morale from one of doom and gloom to one in which personnel begin to see a positive path forward, LMPD leadership should engage quickly in a formal and strategic personnel support process. Officers and the community want to see meaningful reforms, and it needs to happen soon. Those considering the LMPD as a place to work need to see this occur. Internal procedural justice<sup>62</sup> must take hold across the entire organization and become how the administration supports and guides its officers to renew their relationships with the community, as well as with the personnel within the organization itself.

**+ KEY DEFINITION**

**Internal Legitimacy**

Internal legitimacy or internal procedural justice refers to a philosophy whereby law enforcement officers are more likely to treat members of the public with dignity, respect and fairness when they experience that same level of treatment from their supervisors (see Procedural Justice section).

**Recommendations**

Rec. #	Recommendation
2.7.1	Assess whether the current operations align with the role the community expects from the Department's personnel. If the Department is about to change its fundamental policing philosophy and priorities, this evaluation needs to happen first so the LMPD can accurately assess the characteristics, knowledge, skills and abilities (KSAs) it wants in its officers.

<sup>62</sup> *Legitimacy and procedural justice: A new element of police leadership*. Police Executive Research Forum, Washington, D.C., 2014. [https://icjia.illinois.gov/researchhub/files/PJ\\_article-191011T20091513.pdf](https://icjia.illinois.gov/researchhub/files/PJ_article-191011T20091513.pdf)



- 2.7.2 Continue to incorporate the hiring strategy included in “LMPD 2020: Targeting Recruitment, Hiring, Retention and Promotion of Minorities and Women.” However, this strategy should also focus on building trust within the community to gain the community’s support and involvement in recruiting efforts.
- The LMPD has begun to reshape how it markets itself by placing more of a focus on the community aspects and priorities of policing. Fundamentally, the LMPD needs to ask whether the candidates it currently attracts are the individuals who possess the right temperament, characteristics and aptitude to engage with the community in this new model.
- 2.7.3 Meet with the Civil Service to assess its recruitment and hiring practices. Although the LMPD is primarily responsible for its recruitment efforts, these efforts should align with how it sells itself to prospective employees and the selection process, including candidates’ initial training experiences.
- The Merit Board started to assess the KSAs of the type of candidates it hopes to attract. With the possibility of an entirely different direction in the Department’s overall policing philosophy being adopted, the LMPD and Merit Board should engage in an ongoing dialogue to develop what is likely to be a different set of KSAs that individuals should possess to effectively adapt to changing policing priorities.
- 2.7.4 Clarify within the LMPD’s formal mission and values statement that hiring and promoting a diverse work force is a priority. Take steps to help ensure officers are part of the solution to recruiting and retention issues, as the LMPD 2020 Report recommends that every officer be part of the recruiting process. This could be accomplished in part by providing incentives to personnel who recruit someone who becomes a full-time officer.
- The LMPD also needs to go beyond talking about inclusion issues to address inclusion issues. It must clearly demonstrate that it seeks a diverse representation of officers of color and female officers in special assignments and supervisory positions. The Department should take the necessary steps to ensure its policies and procedures require those making selections for specialized assignments to take diversity into account when filling open positions in their units and ensure mentoring opportunities are offered to all personnel seeking promotion.
- 2.7.5 Implement the “LMPD Recruit Internship Program” proposal, which is intended to work with eligible police candidates to help candidates understand and prepare for a hiring process that on its face seems daunting. This could assist in the efforts to recruit candidates of color.
- 2.7.6 Appoint an individual to serve as an Organizational Diversity Officer in the Chief’s command staff. This individual should possess significant organizational authority and line-level credibility. Their sole responsibility would be to focus on the Department’s issues concerning equal access to career opportunities, equity and inclusion as they relate to hiring, special assignment opportunities, promotion, and retention. This effort would help to promote greater diversity across the entire organization.



- 2.7.7 Design and implement an effort to train community members and other organizations to support the LMPD's recruiting work by identifying and recruiting young people from the community to apply for positions at the LMPD. Such an effort would also help in the effort to diversify the Department's personnel.
- 2.7.8 Engage LMPD leadership and all other personnel in a formal and strategic internal healing and recovery process quickly to address the Department's morale and its impact on recruiting, hiring and retaining personnel.
- 2.7.9 Establish meaningful career development programs for all personnel, including mentorship and training for those preparing to apply for a position at the LMPD. Provide mentorship for those who have recently joined and assistance for those preparing to apply for a specialized position and those preparing for a promotional testing process.



## 2.8 Promotion Processes

The LMPD's promotion system is codified in the Kentucky Revised Statutes (KRS67c) under the section "Louisville Metro Police Merit Board Rules and Regulations," which the Department adopted on June 16, 2003. This coincided with the merger of the Louisville Police Department and the Jefferson County Police Department. The section addressing the LMPD's promotion process is codified in Section 5.5 of the Merit Board's rules and regulations, which was revised on October 4, 2007.

The Louisville Metro Police Merit Board Rules and Regulations guide the promotion process for the ranks of sergeant and lieutenant. The Civil Service develops the promotion processes in accordance with the Merit Board's Rules and Regulations.

The Civil Service administers the promotion processes for the ranks of sergeant and lieutenant on two-year cycles. The Civil Service identifies the study materials and develops the questions for the written examinations and the assessment and simulation exercises with the assistance of subject matter experts.

The Civil Service evaluates the knowledge, skills and abilities (KSAs) required for LMPD police officers to determine the content of the examinations and exercises. As noted earlier, the Civil Service began to reassess the KSAs but has delayed doing so due to the COVID-19 pandemic. Because of the potential redefinition of the required skill sets, responsibilities and roles for the sergeants and lieutenants noted in this report, the LMPD leadership may need to renew this effort.

The LMPD's promotion processes for sergeants and lieutenants involve four steps:

1. The written examination, including seniority points granted to candidates based upon the time they have worked on the Department
2. The assessment and simulation examination
3. The Chief's interview panel, which is a pass-or-fail process
4. Seniority points cannot exceed 10 percent of an individual's overall score

The Civil Service calculates a passing score based on the average score of the candidates who took the examination. Both these scoring practices are common practices for law enforcement agencies.

The Civil Service grades the written examinations based on the established passing score and then evaluates the assessment and simulation exercises. Officers who receive passing scores for the written examination, the assessment and the simulation exercises advance to the Chief's interview panel, which the LMPD administers. These are also common practices. However, modern law enforcement agencies are moving toward promotional testing processes that include testing and assessing a candidate's ability to work collaboratively with the community to address community concerns and social issues that impact crime and demonstrate leadership in regard to tough supervisory issues, such as addressing racial bias or challenging employee performance.





Officers often excel because of their personal life experiences and leadership skills and their ability to apply these experiences and skills to their work as they lead others, rather than simply because of what they may have absorbed from a training course or textbook. This is one reason why it is so important to design the assessment portions of the promotional process to determine who has these leadership and management skills.

### LMPD Personnel's Views on Promotions

Supervisors and managers in public safety agencies have a profound effect on the culture and work environment. Supervisory staff play a critical role in regulating the quality of work and overall performance of those they manage. Sergeants and lieutenants represent the future leadership of their agencies. If officers are inadequately or ineffectively supervised, they are more likely to make mistakes, which could infringe on the rights of those in the community, as well as in the agency itself.

During our interviews with LMPD personnel, we noted several themes regarding the promotion process.

- + **Test Performance:** A candidate's success in the promotion process largely depends on how well they complete a written test. Although the promotional process has a written examination step and a job simulation assessment step, both are principally based on how well an individual can perform on tests. The assessment step is largely dependent on a candidate reading a scenario, writing a response and dictating that response into a recording device.
- + **Support during the Promotion Process:** Officers described a lack of support when seeking promotion, which impacts their ability to prepare for and succeed in the promotion process.
- + **Limitations of the Promotions Process:** From their perspective, many sergeants and lieutenants who completed the LMPD's promotion process believe that it does not always identify the best qualified candidates. For example, they see the Department promoting people who may have performed well on a test but do not appear to have the ability to successfully perform their new role. This is in contrast to people who may have those abilities, but do not perform as well on formal tests and therefore do not get promoted.
- + **Support Following the Promotional Process:** Many of those we interviewed who received promotions, particularly to the rank of sergeant, advised other supervisors told them "to figure it out on their own" when they asked for guidance on how to perform their new responsibilities. The Department needs to be proactive in aiding and training new supervisors and command officers immediately after a promotion, as well as providing opportunities to develop these skills prior to any promotional process.



### Training Following Promotions

The LMPD promotes in large groups due to the extraordinary attrition and vacancy rates among the sergeant rank. The LMPD implemented training known as Supervision Through Respect, Integrity, Professionalism, Excellence and Service (STRIPES), a structured 80-hour supervisory class that teaches skills for new supervisors. In addition to teaching officers the prerequisite knowledge, skills and abilities to be a successful supervisor, the STRIPES program systematically instructs the supervisory staff on the Department's overall policing philosophy and how to implement it. All newly promoted sergeants are supposed to attend within the first year of their appointment. However, this is not always possible because the LMPD promotes officers to sergeant in large groups and caps the class size.

Just as all officers should receive extensive training and mentorship before entering the field, newly promoted supervisors should also receive the appropriate skills training and leadership education when assuming supervisory responsibilities. The Department should ensure all new sergeants receive training prior to or immediately after their promotion.

Some public safety agencies provide mentoring and support to new supervisors. While the STRIPES course has been seen as beneficial by newly promoted sergeants, it does not provide ongoing mentoring and support. The LMPD has benefited from establishing the Police Training Sergeant (PTS) program, which is similar to the components of the Patrol Training Officers (PTO) program for recruits but directed at developing newly promoted supervisors. Although the PTS program has evolved, we believe the Department needs to make the PTS program and STRIPES higher priorities by communicating more effectively with the Training Division and commanders about potential promotions and assess the staffing needed to properly plan and implement these training programs.

The LMPD does not provide formal training for those promoted to the rank of lieutenant. The position of major, which is the rank after lieutenant, is an appointed position for which the chief recommends personnel from those serving as lieutenants. Subsequently, the mayor approves the chief's selection. However, the LMPD also does not require majors to complete any additional training. Many lieutenants have not received formal training on the fundamental responsibilities associated with the rank of major before receiving a promotion. These positions are critical to instilling the values and vision of the organization, and ensuring they receive adequate training would help these lieutenants and majors achieve this goal.

Because the Merit Board's rules and regulations provide some latitude in what the LMPD can consider part of the promotion process, the Department could offer STRIPES as a voluntary course officers take on their own time in intervals over several weeks while preparing to take the sergeant promotion exam. The LMPD could then consider providing extra promotional points to those who took and passed the voluntary STRIPES course. Additionally, the LMPD has a relatively sophisticated PTO program, in which PTOs supervise and train recruit officers following their academy training. A PTO's work reinforces the coaching, mentoring and teaching skills that supervisory personnel should possess. The LMPD should consider rewarding additional points to officers who served as PTOs.



## Ongoing Training Initiatives

Our interviewees made it clear that beyond the STRIPES training, the LMPD offers few development opportunities for the supervisory staff, and the Department does not require ongoing formal training for lieutenants. Sergeants and lieutenants bridge a connection between rank-and-file officers and the LMPD's leadership team. During interviews, we heard of many instances of communication breakdowns and lack of coordination between LMPD leadership and officers. This can be attributed partly to a need to improve the communication skills of some of those serving as sergeants and lieutenants, as well as their supervisors. When LMPD personnel receive unclear or poorly articulated direction from the top of the organization, the agency loses confidence, trust and cohesion in its mission and direction. This calls the leadership and communication skills of the agency's chief and some upper-command staff personnel into question. The LMPD must ensure its sergeants and lieutenants engage in continual training and professional development if the LMPD is to have a professional and competent supervisory and leadership team that can help the Department achieve its critical goals and objectives.

## Recommendations from 2020 Internal Report

The LMPD's internal report, "LMPD 2020: Targeting Recruitment, Hiring, Retention, and Promotion of Minorities and Women," illustrates the racial and gender disparities in the Department among sergeants and lieutenants. The report makes five recommendations for changes in the promotion process, which we summarize below. The recommendations provided by this report are a good foundation from which the LMPD could improve the promotional process.

- + **Transparency:** The LMPD must create a more transparent interview and promotion process and clearly define the criteria with which it evaluates candidates. The system must be fair to all and divorced from internal cultural influences and personal friendships. The LMPD should provide a feedback mechanism for candidates about how to improve to be more competitive in future promotion cycles, if they seek such information, and inform them of how they performed on any assessment exercise.
- + **Promotion Process:** As identified in the internal report's key findings, a prevailing belief among many Department personnel is that the promotional process places greater emphasis on "test-taking and seniority" than on identifying candidates with supervisory and leadership potential. The report points to empirical evidence that standardized testing has a strong bias against "minorities and those with learning differences," who otherwise would be among the most qualified candidates. The LMPD's candidate assessment should consider the candidate's "work history, achievement, leadership and training records." The LMPD must address the inequities in how officers are offered access to promotional opportunities to avoid compounding the imbalances.



- + **Mentoring:** The LMPD should develop “formalized mentorship strategies.” Although a formal mentoring process may not contribute to an officer’s success in the promotional process, such a program would enhance the Department’s overall delivery of policing services. Through mentoring, officers can consistently develop their abilities to prepare for promotional opportunities. Although mentorship systematically enhances police services, it does not contribute to greater success in the promotion process. A mentorship culture would support the human capital investment, and the LMPD desperately needs to promote greater feelings of inclusion in the Department.
- + **Career Development:** The LMPD should develop an effective career development program with a deliberate and intentional process to invest in all Department personnel and foster greater job satisfaction. In turn, this would help address the retention of well-qualified and productive employees because personnel would recognize that the Department is supportive of their professional growth opportunities. The LMPD should identify and develop each employee’s personal career goals during the regular performance appraisal process and document the employee’s goals in the appraisal along with recommendations on how to achieve them. Such a career development program promotes organizational competency and capacity to innovate and establishes a vision and policing philosophy that the organization should universally embrace.
- + **Value of Accountability over Discipline:** The LMPD often appears to place greater value on discipline rather than accountability. Without a robust EIS, this is a reactive and responsive posture. Instead, the Department could focus on accountability and ensure supervisors encourage officers to take responsibility for their actions and correct problems before they become disciplinary issues. The LMPD can also achieve accountability through coaching, redirection and mentoring efforts that are consistent with career and employee development. The accountability process creates highly productive supervisors who are fully engaged in directing and guiding their reports. By promoting a culture with greater emphasis on accountability, the LMPD can lessen its reliance on discipline and offset the adverse consequences the community endures as a result.

## Recommendations

Rec. #	Recommendation
2.8.1	Implement the recommendations for enhancing the current promotion process, as detailed on pages six and seven of “LMPD 2020: Targeting Recruitment, Hiring, Retention, and Promotion of Minorities and Women.”
2.8.2	Create formal policies and written protocols to ensure each phase of the promotional testing process includes testing and assessing a candidate’s ability to work collaboratively with the community to address community concerns and social issues that impact crime and recognize and address any racial biases they may observe within the Department’s operations.



- 2.8.3 Establish a formal process whereby LMPD personnel may identify, mentor and assist those who choose to pursue a specialized assignment or promotion. This program should include test preparation guidance.
- 2.8.4 Ensure every newly promoted sergeant completes the STRIPES 80-hour supervisor training course as soon as possible after a promotion.
- 2.8.5 Offer STRIPES as a voluntary course officers can take on their own time in intervals over several weeks while preparing to take the sergeant promotion exam. Consider providing extra promotional points to those who took and passed the voluntary STRIPES course.
- 2.8.6 Develop, require and implement ongoing formal training for supervisor and management staff to further their development and contribution to the Department.
- 2.8.7 Implement an introduction for newly promoted sergeants like the PTO program for new officers. It should have a similar structure, though it can be shorter and should introduce new sergeants to their job responsibilities. Additionally, an experienced sergeant should help train, mentor and guide each new sergeant on a one-on-one basis.



## 2.9 Crisis Intervention

### Policies

LMPD SOP 12.11 provides guidance for the Crisis Intervention Team (CIT). The CIT is composed of officers assigned to the Patrol Division who are trained in crisis intervention. These officers respond to regular calls for service but are assigned as primary responders to calls that 911 dispatch call-takers initially identify as involving individuals experiencing mental health-related crises, such as any incident where:

- + A behavioral crisis involving mental illness requires officers to be dispatched;
- + Reasonable grounds exist to believe that an individual is mentally ill and may harm themselves or others, and a mental illness warrant will need to be completed to facilitate temporarily holding the individual at a mental health facility involuntarily; or
- + Any request by a qualified mental health professional to transport an individual experiencing a mental health crisis for involuntary hospitalization.

The CIT Coordinator oversees the CIT program, is responsible for the Advisory Board and serves as the liaison with crisis professionals outside of the LMPD. The Advisory Board includes representatives from several service providers involved in the CIT program including Seven Counties Services, University of Louisville Hospital, Our Lady of Peace Hospital, Brook Hospital, Bridgehaven Mental Health Services and the National Association of Mental Illness (NAMI) of Louisville. This robust set of community partners is key to the successful LMPD CIT program.

SOP 2.15.4 creates the CIT Officer of the Year award. According to the SOP, “The CIT Officer of the Year Award may be awarded to an officer who has demonstrated superior communication, compassion, and de-escalation techniques in dealing with individuals experiencing a mental health crisis, or are struggling with addiction, while assuring the safety of themselves or others throughout the year.” Providing recognition to LMPD personnel who have committed to the CIT program is a good practice and helps provide a sense of operational ownership and pride to CIT officers who serve in the program. Further, this provides the same recognition for de-escalation as the traditional awards that go to those who have been involved in serious incidents involving use of force. It is a positive way the LMPD recognizes and supports officers skilled at de-escalating critical incidents.



## Training

Officers receive specialized training for crisis intervention before becoming a CIT officer. The CIT Coordinator arranges ongoing training for officers with professionals experienced in handling behavioral threat crises providing key components of the training curriculum. This training comprises 40 hours of CIT training for officers and includes tactics when interacting with those experiencing mental health crises, crisis de-escalation techniques, active listening skills and awareness of mental health issues. Officers, mental health providers and individuals who have used mental health services also participate in the training, which includes role-playing exercises inspired by actual calls for service. Moreover, the LMPD recruits complete 38.5 hours of crisis intervention training in the basic police academy, which is commendable. This training covers:

- + Understanding mental illness
- + CIT, including a four-step process and CIT considerations
- + Suicide prevention
- + Kids in crisis
- + Active listening skills
- + De-escalation exercises
- + Post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI)
- + Community resources

In addition to the CIT training in the basic academy, most LMPD officers complete the 40-hour CIT training course. Department members informed us that all officers will be participating in a refresher course, which is under development. The investment by the LMPD in this training across the Department is an encouraging sign of its commitment to ensuring a positive outcome during critical incidents.

## Data and Administration

Officers must complete the report available on the State of Kentucky's Open Portal System (KYOPS) for every CIT call for service they handle. Officers must print a paper copy of this report to leave at the receiving facility whenever an officer turns over an individual experiencing a mental health crisis to another entity, such as at a hospital, and send a copy to the CIT Coordinator. Data collected includes the injuries to individuals experiencing a mental health crisis, the officers called to respond, the types of force that officers may have used, the service provider to which the individual was transported and the demographics of the involved individuals. The CIT Coordinator uses those copies or downloads of reports from KYOPS to enter tracking data manually into a spreadsheet, which they share monthly with the Chief and CIT Advisory Board.



In 2019, the Department reported 2,574 CIT calls. The Fourth Division accounted for over 25 percent of the CIT responses, which is the largest portion of the calls in any division. CIT calls for service resulted in transporting individuals to a treatment facility 2,426 times, and the University of Louisville Hospital received over 75 percent of those individuals. Of the CIT calls that LMPD officers handled, less than four percent resulted in a use of force.

Although this is important data to collect, the LMPD should develop a more robust automated data-collection program that allows the Department to conduct a more in-depth analysis of the CIT's impact and outcomes. This would help inform the Department about any needed changes to the way it or its mental health service providers handle calls for service involving individuals experiencing mental health crises. The data could also help inform those providing CIT training with potential updates to the training they provide.

A best practice that the LMPD does not currently implement involves regularly evaluating and measuring the CIT program's impact, outcomes and efficiency. This involves collecting data on:

- + The number of CIT response incidents and the associated response times
- + The number of referrals to health care services
- + Recidivism rates
- + Community perceptions of law enforcement due to CIT operations

The LMPD cannot collect all these metrics alone, as it does not collect some of these statistics. However, mental health services partners may collect some of this data and could provide anonymous, aggregate statistics to the LMPD for operational analyses without violating any privacy laws.

## Recommendations

Rec. #	Recommendation
2.9.1	Continue efforts to provide CIT training in the basic recruit academy and offer in-service training on the topic on a regular basis.
2.9.2	Provide officers refresher CIT training as the new course becomes available.
2.9.3	Develop a more robust automated data-collection program in partnership with external partners to improve the LMPD's CIT policies, procedures and training curriculum.





## 2.10 Bias-Free Policing

Based on interviews and our review of LMPD academy materials and related procedures and policies,<sup>63</sup> the LMPD acknowledges that policing should be free of bias and officers' actions should be based on constitutional and legal standards, regardless of whether the action results in an arrest or citation. Despite these policies, procedures and history of training, the LMPD has been unsuccessful in understanding and applying implicit bias training concepts into all the organization's operations and culture. The climate we observed between community members and LMPD personnel, as well as within the LMPD itself, supports this finding.

### National Landscape

In the last decade, the national conversation around the role of public safety agencies has put increasing emphasis on how to design and implement training to help personnel understand how implicit and explicit bias plays a part in how they interact with community members, particularly people of color. The frank and candid conversations required in this training have become best practice for law enforcement agencies, particularly in relation to police-community interactions, including those that officers engage in with the public every day (e.g., vehicle and pedestrian stops, arrests, searches).

When officers recognize that everyone has some level of unconscious biases, including members of the community, it ceases to be a bad thing or moral failing. Instead, it is something that needs to be recognized and addressed to help improve the law enforcement profession and create positive relationships with the community that are vital to an agency's success. This topic has been studied extensively, and many national initiatives have touted bias as a necessary training topic for law enforcement. A sign of a progressive agency is its ability to require and incorporate mandatory bias training for recruits in the basic police academy training before they graduate, as well as during ongoing in-service training for the duration of their careers.

The National Initiative for Building Community Trust and Justice<sup>64</sup> encourages law enforcement agencies to embrace and integrate bias-free policing principles into policies, operations, training and day-to-day interactions with communities. It focuses on three major principles:

1. **Enhancing procedural justice:** The way that a law enforcement agency interacts with the public, and how those interactions shape the public's views of the agency, their willingness to obey the law and their engagement in co-producing public safety in their neighborhoods.
2. **Reducing the impact of implicit bias:** The automatic associations individuals make between groups of people and stereotypes about those groups, and the influence it has in policing.

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63 LMPD Standard Operating Procedures, "8.8 Biased Law Enforcement Practices." Louisville Metro Police Department, Louisville, KY.

64 "Mission." National Initiative for Building Community Trust and Justice. <https://trustandjustice.org/about/mission>



3. **Fostering reconciliation:** Frank engagements between communities of color and law enforcement to address historical tensions, grievances and misconceptions that contribute to mutual mistrust and misunderstanding and prevent law enforcement and communities from working together.

### Community Perception

Based on our interviews with community members, leaders of community organizations, people of color, young people and members of the LGBTQ community, many do not feel like the Department understands them and their communities' needs. We confirmed many of their observations when reviewing a sample of body-worn camera (BWC) of noteworthy incidents.

In particular, interviewees raised concerns that LMPD officers police Black residents disproportionately due to implicit or unconscious bias or overt racism. They contended that this was the root cause of why the Black community is over-policed. We recognize that these issues are very important for those who have expressed concerns, and this underscores the need for robust training regarding bias-free policing.

In the survey we administered to the community, respondents shared their opinion on current issues, and some of their answers underscored concerns about bias. When asked about the issues that they believe are the "greatest problems" in the community, they most often cited gun violence (39.7 percent), drug abuse (35.8 percent), burglaries involving vehicles<sup>65</sup> (28.5 percent) and homicide (28.4 percent). However, 16.1 percent of respondents (almost 1,200 people) added an open-ended answer in the 'Other' field. Of those open-ended comments, approximately six percent of the community responses listed terms such as violence, brutality, race-related action and harassment by the LMPD.

These data points indicate a significant number of community members believe LMPD officers have a propensity to treat people of color in an inequitable and unfair manner, including disproportionately using force when compared to other residents, namely white residents, within the Louisville Metro region. These responses were not entirely based on a respondent's race or gender. A majority of the survey respondents (73.31 percent) identified as white, while Black residents, for example, represented 9.8 percent of respondents. Based on this breakdown alone, this perception of the LMPD likely cannot solely be attributed to survey respondents who are Black.

As mentioned, many in the community survey stated that they do not trust the LMPD and fear the officers when they have interactions with them. However, one question in the survey showed a division within the Louisville community regarding whether individuals feel they are being treated fairly and if they trust the Department. Almost half of Black respondents said they did not trust the LMPD at all, whereas that percentage is significantly smaller (10 percent less) for white residents.

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<sup>65</sup> This term used in the survey refers to the theft of items from a vehicle.



Moreover, a much higher percentage of white respondents said they trusted the LMPD to a “great extent” compared to Black respondents. Additionally, when asked to what extent LMPD officers show concern for community members, 25.3 percent of all respondents said, “not at all” and 23 percent said, “to a great extent.” Similarly, when asked to what extent they trusted the LMPD, 35 percent said “not at all,” while 29.4 percent said “to a great extent.”

The survey results further support and corroborate concerns raised in community meetings and our interviews and interactions with Louisville stakeholders that the community is fractured in some ways based on race. That said, interviewees indicated the LMPD treated people of color unfairly and stopped them at disproportionate rates. These concerns are citywide issues that the Department needs to address.

Based on the use-of-force data and arrest records we reviewed, race played a part in certain LMPD actions that led to disparate outcomes for Black residents. We explore those findings in more depth in the Data Analysis section of this report and Appendix A. In summary, Black residents are arrested and imprisoned more frequently than white residents. Many factors could explain why this is the case, and several studies examining racial bias have found that officers are more likely to stop drivers of color than white drivers in the first place. However, few studies have ever determined that white drivers and drivers of color offend at different rates, leading us to believe that racial bias plays a part in some law enforcement actions.

Based on the data reviewed, it is clear that race does play a part in some LMPD officers’ actions. The data bolsters the sentiments and concerns of many who took the survey and those we interviewed. Moreover, it is clear that some white residents are similarly concerned about biased policing – people of color are not the only individuals raising these concerns.

### **Community Engagement and Programs**

Interviewees and survey respondents shared the need for more community-oriented policing and engagement. Research<sup>66</sup> has shown that mechanisms for combating bias align with behavior and actions that promote outreach, education and engagement with diverse communities through which individuals develop an awareness of cultural nuances and competencies and create a law enforcement culture that embraces community involvement. Based on our assessment, the LMPD does not have a culture of engagement and community understanding. If it once existed, the majority of the Louisville community believes it is no longer active.

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66 “How to Support Trust Building in Your Agency.” Police Perspectives: Building Trust in a Diverse Nation, No. 3. U.S. Department of Justice Community Oriented Policing Services and VERA Institute of Justice, 2016.  
[https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities-building-trust\\_1.pdf](https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities-building-trust_1.pdf)



Generating additional programs that sustain what has already existed through programs designed to help the LMPD develop personal relationships can help reduce biases present in the organizational culture. For example, the Synergy Project<sup>67</sup> facilitates dialogue between the LMPD and community members to strengthen relationships between them (see the Community-Oriented Policing section). They held 17 sessions with the LMPD and community, though 25 more were postponed due to the COVID-19 pandemic. They have hosted 450 participants, including a steering group and community influencers who are all interested in police-community relationships.

Many additional groups expressed willingness to work with the LMPD police academy to facilitate positive interactions between the recruits and members of the communities that the recruits will serve. Carefully developed processes can benefit the community and the Department by helping create an environment of collaboration. Although all LMPD personnel should ultimately be part of such a process, police training officers (PTOs) and sergeants should be involved from the beginning to ensure they reinforce these goals with recruits.

A 2019 CBS report<sup>68</sup> indicated that the LMPD required during the annual in-service training courses four hours of implicit bias training beginning in 2015. In 2016, in-service training consisted of community interaction and recognition training, which included ethics, implicit bias, cultural diversity and LGBTQ considerations. In 2017, approximately four hours out of the 40-hour in-service training focused on these topics, with one hour dedicated to implicit bias, one hour to LGBTQ cultural training and two hours for cultural diversity. The session also included strategies of 21<sup>st</sup> century policing, as well as 10 hours of community policing training. In this training, officers had to go into a community and participate in non-enforcement outreach activities. In 2018, the LMPD presented its ICAT training, which included concepts regarding taking the totality of the circumstances of a situation into consideration when making critical decisions, which includes considering the background of individuals with whom they are interacting. During this training block, instructors touched on individuals' race, gender and ethnicity as topics for officers to consider when dealing with individuals, with the goal of addressing any potential racial biases in their interactions. This ICAT training was 32 hours long.

In 2019, the LMPD presented the Strategies and Tactics of Patrol Stops (STOPS) policy roll-out, which included training videos and discussion about the racial disparity of traffic stops in the Louisville Metro region, which included three hours of instruction. Another hour of instruction centered on the requirements of the Americans With Disabilities Act (ADA), with a focus on law enforcement interactions with individuals with a disability. The COVID-19 pandemic has impacted the training for 2020, although it was scheduled to focus mainly on ethics and making sure officers understand the importance of how ethical decision-making affects the community in which they work.

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67 "What is the Synergy Project?" Lean into Louisville. <https://www.leanintolouisville.org/synergyproject/>

68 "We asked 155 police departments about their racial bias training. Here's what they told us." CBS News, 7 August 2019. <https://www.cbsnews.com/news/racial-bias-training-de-escalation-training-policing-in-america/>



Like many states, Kentucky<sup>69</sup> has a mandate for annual in-service training, and as of August 2020, the State mandates implicit bias-based training. Longstanding models for measuring training effectiveness<sup>70</sup> and basic principles of adult learning methodologies indicate that successful training affects how officers act once the training is over. It is important for the LMPD to determine its bias training's overall effectiveness in improving the Department's overall operations, the perceptions of the officers and their understanding of the material, and the quality of the interactions personnel have in the community following the training, which are elements that we considered when assessing the LMPD in this area.

### Policy Review

SOP 8.8 sets the LMPD's standards and prohibitions against biased law enforcement practices. It describes why biased law enforcement practices are unacceptable and outlines possible negative consequences for expressing bias.

SOP 8.8.2 defines biased law enforcement practices. The LMPD should add the following phrase to the definition shown in the box to the right: "actual or perceived place of residency, jurisdiction of registration of vehicle driven, or type of vehicle driven." These are some of the Louisville-specific issues of concern for people of color.

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#### + LMPD SOP 8.8.2

"Engaging in any of the following activities, based solely on an individual's actual or perceived race, ethnicity/national origin, immigration status, language fluency, gender, gender identity/expression, sexual orientation, religion, socio-economic status, housing status, occupation, disability, age, politics, or other similar personal characteristics attributed to an individual as a member of such a group."

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69 "In-Service." Department of Criminal Justice Training. <https://www.docjt.ky.gov/in-service>  
70 Kirkpatrick Model for Evaluating and Measuring Training. <https://kirkpatrickpartners.com/>



The LMPD should also change the wording in SOP 8.8.3, shown in the box to the right, about officer responsibility by adding the phrase “actual or perceived place of residency, jurisdiction of registration of vehicle driven, type of vehicle driven, or other similar characteristics.” Again, this addresses Louisville-specific issues of concern to help eliminate the potential source of biased enforcement actions by officers.

According to the SOP, the LMPD does not condone biased law enforcement practices and warns that anyone found to be operating in this manner will be subject to discipline. The SOP gives brief examples of various types of citizen engagement during which bias could occur:

- + Making discretionary decisions during the course of an enforcement activity
- + Initiating a traffic stop, surveillance, detention or other law enforcement activity
- + Targeting particular individuals or groups

SOP 8.8 provides requirements for supervisors regarding oversight of biased law enforcement practices and outlines officers’ responsibility to report observed biased law enforcement practices.

## Training

SOP 8.8.8 outlines training as it pertains to biased law enforcement practices. New recruits train on various aspects of bias. The Department disseminates bulletins to officers when it implements legal updates. The LMPD has presented annual in-service training between 2015 and 2019 on topics that serve to diminish bias-based policing, with four hours of training dedicated to those topics each year. As noted, the COVID-19 pandemic impacted plans to do the same in 2020. The LMPD should weave the concept of avoiding bias in all of the Department’s training curriculum.

SOP 8.8.8 states, “Recruits receive training on the various aspects of recognizing and preventing biased law enforcement practices.” Recognizing and preventing biased law enforcement practices should be interwoven into all aspects of the recruit training. To accomplish this, the LMPD has recruits participate in a few days of instruction on Spanish for law enforcement while in the police academy. We did not have an opportunity to observe this training, but based on the SOP, it could be effective. Recruits also must complete a community service exercise during the academy and take a cultural equality class where they learn about the history of Louisville and race. Recruits also learn about implicit bias with Tactics of Controlling Behavior (TCB).

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### + LMPD SOP 8.8.3

“It is not improper to target suspected criminals based on their conduct, nor is it improper to focus on a person of a particular actual or perceived race, ethnicity/national origin, immigration status, language fluency, gender, gender identity/expression, sexual orientation, religion, socio-economic status, housing status, occupation, disability, age, politics, or other similar characteristics if the officer has suspect information pertaining to any of these characteristics. These characteristics will never be used as the sole basis for reasonable suspicion or probable cause.”



It is important to note that during this implicit bias training, the LMPD partners with a licensed psychologist who focuses on criminal justice reform within prison systems. This psychologist speaks with the recruits about essential topics to modern law enforcement, such as legitimacy and procedural justice and their impact on public satisfaction of agencies.

## Recommendations

Rec. #	Recommendation
2.10.1	Revise the definition language for biased law enforcement practices in SOP 8.8.2.
2.10.2	Revise the wording in SOP 8.8.3 about officer responsibility.
2.10.3	Ensure the goal of recognizing and preventing biased law enforcement practices is interwoven into all aspects of recruit training so it becomes a natural part of their situational evaluation process. Make the annual in-service training on bias mandatory pursuant to the new State law.
2.10.4	Develop training and outreach programs that provide officers with the opportunity to have personal interactions with community members who feel disconnected from the Department. The programs should start with recruits in the academy and be presented in collaboration with community-based organizations to build trust, understanding and relationships with Louisville's diverse communities.
2.10.5	Develop mechanisms to measure community outreach and engagement and interactions that build trust. Showcase and reward those achievements annually in addition to awards regarding heroism or tactical skills. Provide similar awards for community members.
2.10.6	Create pre- and post-assessments for bias training to evaluate if and how the training changes perceptions and behaviors. Ensure key performance indicators (KPIs) derived from the training are integrated into personnel evaluations to ensure training goals are measured, rewarded and used for accountability.
2.10.7	Consider creating and implementing community perception surveys every year or, at a minimum, every two years to measure the community's trust and feelings of officer legitimacy.
2.10.8	Determine the LMPD's bias training's overall effectiveness in improving the Department's overall operations, the perceptions of the officers and their understanding of the material, and the quality of the interactions police personnel have in the community following the training by analyzing data every year that could show indicators of bias (e.g., stops, arrests). Determine if training and accountability measures are impacting the trends.
2.10.9	Exercise transparency and share training outcomes and expectations for behavioral change with the community. Develop mechanisms for reporting concerns or commendations to the department related to bias.





## 2.11 Procedural Justice

### Background

Procedural justice<sup>71</sup> focuses on the way law enforcement agencies and other legal authorities interact with the public, and how the characteristics of those interactions shape the public's views and engagement. It is arguably one of the most talked-about concepts in contemporary law enforcement reform and has consistently been at the forefront of discussion since the Ferguson, Missouri officer-involved shooting of Michael Brown in 2014.

Progressive reform efforts and new training have incorporated procedural justice, leading to policies that some consider best practices. When law enforcement personnel act openly, respectfully and impartially in their actions, the communities they serve are more likely to act in the same manner, not because they are imitating the officers, but because seeing the behaviors fosters a shared value in obeying the law.

### The LMPD's History with Procedural Justice

#### Efforts Involving the Community

Based on our review of documentation and interviews, many internal and external stakeholders do not believe the LMPD has embraced procedural justice externally or internally. Community members and LMPD personnel referenced unfair treatment of community members and of officers, often citing race as a predicate for the disparity in treatment for both. Longtime Louisville-area residents with historical perspectives on the relationships with police and the Louisville community did not describe the LMPD as tolerant, good, respectful or trusted. Overall, interviewees seldom made a favorable comment about the relationship between the LMPD with the community, particularly within the Black community. However, this was true when speaking with individuals of all races, not just Black residents.

The data from the survey we provided to the Louisville community provides insight into perceptions of how LMPD personnel implement core principles of procedural justice. We highlight some of the most relevant questions and their responses below.

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#### + KEY CONCEPT

##### Procedural Justice

Procedural justice as a theory is not new. It has evolved into four principles specifically geared toward law enforcement and the community:

1. Being fair in processes
2. Being transparent in actions
3. Providing opportunity for voice
4. Being impartial in decision making

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<sup>71</sup> Police Executive Research Forum. (2014). *Legitimacy and procedural justice: A new element of police leadership*. Police Executive Research Forum, Washington, D.C., 2014.





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*To what extent do officers in the LMPD treat people fairly?*

- + Not at all: 26.9 percent
  - + To a great extent: 25.1 percent
- 

*To what extent are officers in the LMPD respectful?*

- + Not at all: 23.4 percent
  - + To a great extent: 24 percent
- 

*To what extent do you trust the LMPD?*

- + Not at all: 35 percent
  - + To a great extent: 29.4 percent
- 

*How many police officers do you completely trust?*

- + None: 30.9 percent
  - + More than 10: 35.8 percent
- 

*To what extent do LMPD officers treat all racial and ethnic groups fairly?*

- + Not at all: 39.65 percent
  - + A little: 11.12 percent
- 

*To what extent do LMPD officers treat people fairly regardless of age, ability or gender identity?*

- + Not at all: 31.1 percent
- + A little: 15.7 percent

The perceptions represented in the survey corroborate what we heard from community stakeholders during our assessment: most do not feel that LMPD personnel understand or implement procedural justice. Likewise, the many facets of procedural justice are often in direct contradiction to what stakeholders and community members described as their experiences during interactions with LMPD officers.



As with most law enforcement agencies, the LMPD has many dedicated officers who perform their duties professionally. However, individuals described officers with whom they interacted as rude, disrespectful, belligerent, hostile and, at times, brutal during traffic stops and arrests. Many individuals described the officers' behaviors as unnecessary for the exchange and noted that the officers would often initiate the interaction in a hostile manner and many escalated to cursing or exhibiting aggressive behaviors with the person stopped. LMPD leadership and management should be concerned about this behavior.

### **Efforts within the Department**

Procedural justice is also about public safety agencies treating officers in a procedurally just manner. One significant impediment to morale and internal trust are the problems interviewees identified within the LMPD's internal investigation process. Stakeholders within and outside the LMPD described this process as severely broken. As noted earlier in this report, the internal investigations process has experienced extreme delays, and many cases are outstanding and have yet to be resolved well after the deadlines have passed. A backlog of PSU investigations does not help build trust between the Department and those who filed the complaints.

### **Policies**

We were not provided any SOPs specific to procedural justice to review. We recommend the LMPD create an SOP that covers procedural justice principles. Moreover, the Department should ensure procedural justice as a concept is at the core of every policy and procedure and incorporate its principles into policies, as appropriate. Procedural justice involves operational processes as much as it incorporates theoretical principles, if not more so, and the LMPD's detailed operational policies and procedures should reflect that.

### **Training**

The LMPD has not offered a course on procedural justice during annual in-service training in at least five years. However, the Department has integrated some aspects of procedural justice into other courses. This integration has been limited, and it appears that no more than two hours of training time, at most, has been dedicated to the topic, according to LMPD stakeholders and our review of training data.

For example, in the last few years, the basic academy has offered LMPD recruits a 40-hour course titled "Tactics of Controlling Behavior," which covers multiple topics and is co-taught by a psychologist. Based on our review of the training curriculum and interviewees, this course mentions procedural justice principles in relation to:



- + Value exploration
- + Power and authority
- + Social psychology (i.e., Who are we? What do we want to be?)
- + Implicit bias and cultural norms
- + Diversity and cultural awareness
- + The history of privilege
- + Individual and community values
- + Understanding the mistrust in the police
- + Gaining commitment and next steps

The procedural justice topics provided in the basic academy represent good training. LMPD personnel and others with insight into training would like to see topics like those covered in the basic academy offered to others in the LMPD, including during supervisors' training.

The LMPD should prioritize ensuring procedural justice training and the internal acceptance of procedural justice principles. This is critical if the LMPD is to build community trust by enhancing the fairness officers display when interacting with the public and the fair and objective way in which LMPD managers and supervisors treat LMPD personnel. Well-designed and effective training and subsequent implementation are key to ensuring procedurally just mindsets and actions are at work when one acts as a representative of the LMPD. The training on procedural justice must be both theoretical and practical.

## Recommendations

Rec. #	Recommendation
2.11.1	Create a formal written SOP and policies that address procedural justice within the LMPD's internal and external operations. The SOP should include the expectations that personnel operate in a procedurally just manner and provide examples. The SOP should also identify the benefits that come from operating in a procedurally just manner for the community and the Department.
2.11.2	Ensure procedural justice is at the core of every policy and procedure within the Department and incorporate procedural justice principals into appropriate policies.
2.11.3	As recommended in section 2.4 of this report, prioritize addressing the backlog of complaint investigations and conducting an in-depth analysis of the LMPD's processes for receiving, investigating and adjudicating complaints against LMPD personnel, which is one way to model internal procedural justice.



- |        |                                                                                                                                                                                                                                                                            |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.11.4 | Enhance annual in-service instruction in all areas that reinforce the need to operate in a procedurally just manner. Ensure training scenarios include requirements to demonstrate procedurally just treatment to successfully complete the scenario.                      |
| 2.11.5 | Integrate the community into a process that allows them to regularly provide feedback to inform the LMPD of positive behavioral changes of officers trained in procedural justice.                                                                                         |
| 2.11.6 | Ensure instructors in the academy have been trained in procedural justice, regardless of their primary area of instruction and integrate procedural justice principles across the curriculum. Develop a mechanism through which to rate the instructors on these elements. |
| 2.11.7 | Ensure performance measures at all levels of the Department integrate the principles of procedural justice and give equal weight to other key performance indicators (KPIs) on which officers are rated.                                                                   |
| 2.11.8 | Create an accountability and transparency campaign that focuses on procedural justice principles to educate Department personnel on what it means to display procedurally just actions internally and within the community.                                                |



## 2.12 Survey Analysis

### Methodology and Distribution

The City requested we conduct two surveys to gain the perspectives of community members and the Department's sworn and civilian staff.

- + The community survey had 44 questions categorized into four sections, which focused on perceptions of community involvement, safety, procedural justice and contacts with the LMPD.
- + The Department staff survey had 88 questions categorized into six sections, which focused on the working environment, manager and supervisor experience, personnel and management systems, community policing and police-community relations, training and policies.

We conducted the surveys through the Survey Monkey platform. The surveys were open from October 16 through 27, 2020. It is important to keep in mind the social and political climate in which we conducted this survey, including the COVID-19 pandemic and ongoing civil unrest in the community, which could have influenced the survey results. The City distributed the community survey through various social media platforms, City websites and in partnership with over 100 community organizations. It also distributed material related to the survey through community organizations' newsletters for those who did not have internet access. The LMPD distributed the organizational survey to its employees. We also offered call-takers to assist those who wished to complete the survey, although no one used this method to respond.

We acknowledge that like all self-selective surveys, these surveys had limitations including the following:

- + All respondents were anonymous, which is a best practice. Although we could see how an individual respondent answered our questions, the only information we know about them was information they voluntarily provided (e.g., gender, race).
- + Although the results of the survey may not represent the opinions of all stakeholders, they provide valuable insight into respondents' perceptions and supplement the information received from interviews and our other data analysis.
- + We recognize that the sentiment tool<sup>72</sup> used to analyze certain open-ended questions, which is part of the SurveyMonkey suite, carries its own limitations. The processes allowed us to draw common statements and opinions (i.e., sentiment) from the respondents. These results supplement and support information and findings we learned from our interview process.
- + In our cross-analysis, we mathematically transformed five-point community survey answers to match the four-point survey answer scale that the LMPD used.

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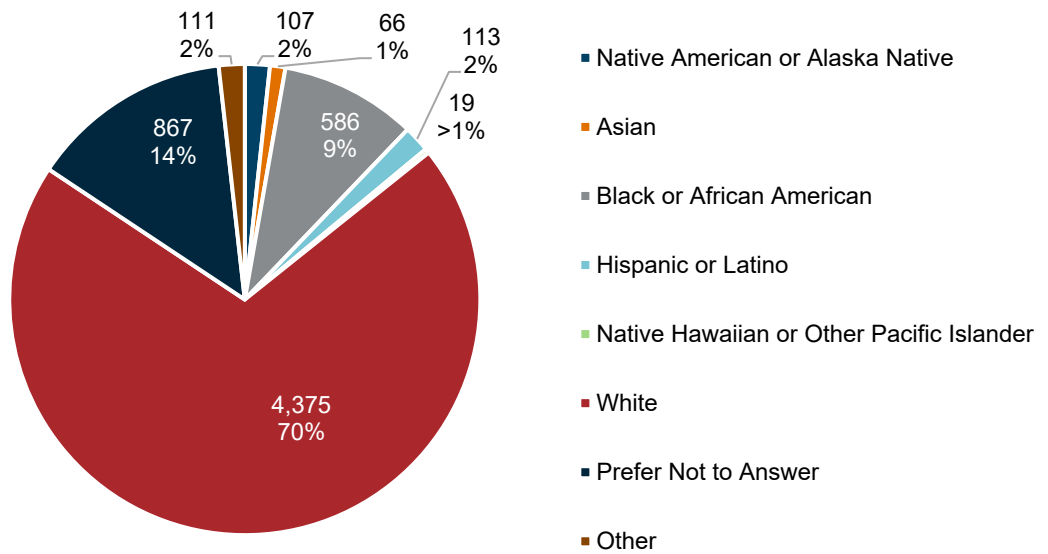
<sup>72</sup> Sentiment analysis is a machine learning algorithm that "reads" text responses and then develops a probabilistic estimate of whether the sentiment expressed is positive, negative or neutral.



### Overview of the Community Survey Responses

We received 7,805 responses to the community survey. Respondents' engagement was thoughtful and impressive in number. Most respondents identified themselves as white, while almost 10 percent of the respondents identified themselves as Black, which was the highest response rate among people of color.<sup>73</sup> For this reason, our analysis incorporated breakdowns of white and Black respondents.

Table 9: Community Survey Respondents by Race



Community survey respondents' ages were evenly distributed. Most respondents were between 18 and 59 years old. Residents from all LMPD divisions<sup>74</sup> were represented, although more than 29 percent of respondents did not know to which division they belonged or chose not to answer.<sup>75</sup> Three divisions accounted for the highest responses: Fifth (13 percent), Eighth (12 percent) and Fourth (10 percent). The least represented divisions were the First and Second at three percent each. We found this concerning given that the First and Second divisions have the highest percentage of community members who are Black.

73 About 70 percent of the Louisville Metro population is white alone, while 23.5 percent are Black alone.

74 The LMPD division map is included in Appendix C for reference.

75 We provided a link to an LMPD division map in the survey to help residents determine to which division they belonged.



## Community Safety

Overall, the respondents identified that they felt safe in their community during the day, with over 51 percent reporting they felt safe a lot or to a great extent, and 31 percent reported they felt somewhat safe.<sup>76</sup> However, their feeling of safety drops at night, with 47 percent reporting they felt safe a little or not at all. Sixty-three percent reported their feelings of safety decreased in the last three years, and over 69 percent reported that their feelings of safety in their community have decreased in the last six months.

## Community Engagement

Most respondents identified that the LMPD communicates little with the community. Over 52 percent of respondents in the Second Division identified that the LMPD does not regularly communicate with the community. Those in the Second Division also reported little engagement from the LMPD. Almost 59 percent of the respondents in the Second Division identified that the LMPD makes it hard for community members to provide input and a similar number identified that the LMPD does not work with community members to solve local problems. Fifty-nine percent of all respondents identified that they did not participate in the LMPD-organized community meetings.

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*Almost 59 percent of respondents in the Second Division identified that the LMPD makes it hard for community members to provide input.*

*A similar number identified that the LMPD does not work with community members to solve local problems.*

Respondents were mixed in their perception of how the LMPD responds to concerns of community members, with slightly more negative responses than positive. In response to how LMPD officers treat racial and ethnic groups, the results were also mixed about whether the LMPD treated all racial and ethnic groups fairly. More respondents (44 percent) felt that the LMPD does not treat all racial and ethnic groups fairly, while 41 percent felt that LMPD officers do treat all racial and ethnic groups fairly a lot or to a great extent.

Almost 41 percent of respondents agreed that the LMPD treats people fairly a lot or to a great extent regardless of age, ability or gender. However, almost 47 percent reported that LMPD officers only a little or do not at all treat people fairly regardless of age, ability or gender identity. Respondents overall were nearly split down the middle regarding whether LMPD officers showed concern for community members. However, a greater percentage of Black respondents (35 percent) cited this as an issue than white respondents (25 percent).

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<sup>76</sup> Throughout our analysis, where we identify respondents as being more positive or negative, we grouped the scales that support the positive or negative response and did not account for the neutral response.



More respondents stated they do not trust the LMPD to a great extent (almost 35 percent) compared to those who trust the LMPD to a great extent (29 percent). Almost 35 percent of all respondents reported they did not trust the LMPD at all, while 29 percent reported they trust the LMPD to a great extent. This compares to 48 percent of Black respondents who do not trust the LMPD, while 20 percent had great trust in the LMPD. For white respondents, almost 36 percent do not trust the LMPD at all, while 26 percent have great trust in the LMPD.

### Crime and the LMPD

Five crime issues ranked highest among almost all respondents: gun violence, drug abuse, burglary to and thefts of autos,<sup>77</sup> homicide, and gang activity.

Responses on crime issues varied based on race. Gun violence was the most-cited crime issue overall, but a greater percentage of Black respondents (50 percent) identified it as a key crime issue compared to 39 percent of white respondents. For Black respondents, drug abuse was the second highest crime concern at 37 percent, homicide was third at almost 36 percent and fourth was gang activity at 29 percent. For white residents, drug abuse was the second highest concern at almost 34 percent of respondents, followed by auto thefts and/or auto robberies at almost 29 percent, and homicide was ranked fourth at almost 27 percent. Gang activity ranked fifth with 24 percent selecting it as a top crime issue.

Respondents from all divisions ranked homicide, gun violence, gang activity, drug abuse and auto theft and thefts from auto as their top concerns. The exception was the First Division, where respondents ranked homelessness higher than auto thefts or theft from auto.

### Sentiment Analysis and Qualitative Responses to the Survey

The survey included a text prompt to add any narrative the respondent would like regarding their thoughts and/or experiences with the LMPD or this survey. Over 3,600 respondents (44.5 percent) provided information.

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#### *Community Perceptions*

*Almost **54 percent** of respondents felt that the LMPD is not effective at preventing crime.*

***76 percent** of respondents identified that the LMPD did not address the problems that really concern them.*

***65 percent** of respondents are not satisfied with the performance of the LMPD.*

*Over **70 percent** of respondents identified that the community is not fully engaged with the LMPD.*

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<sup>77</sup> This term used in the survey refers to the theft of items from a vehicle.





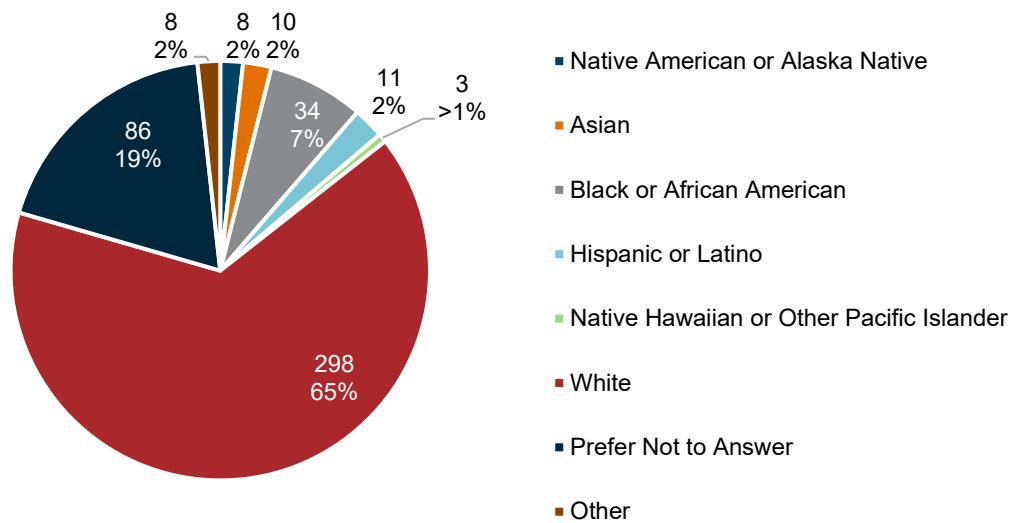
Using a sentiment analysis tool, we found the following.

- + Forty-six percent of respondents made positive statements about the Department, whereas 51 percent made negative statements.
- + Respondents from four divisions (Third, Sixth, Seventh and Eight) made slightly more positive comments than negative.
- + Respondents from another four divisions (First, Second, Fourth and Fifth) made significantly more negative comments than positive.
- + Both Black and white respondents expressed more negative comments than positive.

### Overview of the LMPD Personnel Survey Responses

We received 508 responses to the Department staff survey; however, not every respondent answered every question. Based on the data regarding race, provided below, Black and officers of color responded at a proportionally higher rate given their representation in the Department. Seventy-eight percent of the respondents were sworn members, and 22 percent were non-sworn.

Table 10: LMPD Survey Respondents by Race





## Management and Supervision

Just over 90 percent of the LMPD respondents agree or strongly agree that LMPD personnel in their area or division treat them with respect, and 71 percent agree or strongly agree that their area or division provides an outstanding work environment. Over 76 percent of respondents agree or strongly agree that their immediate supervisor gives them regular feedback on the quality of their work, and more than 64 percent agree or strongly agree that their commanders are open to new ideas and ways of working. Almost 63 percent agree or strongly agree that their Division commanders are good leaders and value the respondents' input.

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*Despite overall satisfaction with their immediate supervisors and command staff, over 96 percent of LMPD respondents answered that morale is low.*

Despite the overall satisfaction with their immediate supervisors and command staff, over 96 percent of the responding employees answered that morale is low. Seventy-five percent indicated that they would leave the Department if they had the opportunity. These responses are consistent with what we learned from our interviews with LMPD personnel.

## Accountability

About 58 percent of respondents said the performance system is fair, and 54.4 percent agree that the investigation of citizen complaints is fair, but only 26 percent agree that the discipline process is fair. A large number of respondents (78.3 percent) say that they are afraid they will be punished for making an honest mistake. More than 75 percent expressed that internal investigations are not conducted in a timely manner. This concern about the timeliness of internal investigations is consistent with what we heard in our interviews and observed during our file reviews.

## Community Policing and Engagement

Over 86 percent of LMPD respondents acknowledge that the quality of their work influences the way the community perceives the LMPD. Over 88 percent of respondents believe that it should be the LMPD's role to build and sustain collaborative community relationships. Around 85 percent think that the LMPD makes it easy for community members to provide input, and just over 76 percent say the LMPD is open to new ways of working with the community to address and reduce the causes of crime and neighborhood problems. Over 76 percent responded that the LMPD works with community members to solve problems.

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*Over 86 percent of the LMPD survey respondents acknowledge that the quality of their work influences the way the community perceives the LMPD.*



Only 41 percent of the LMPD respondents indicate that their direct supervisor actively monitors their community contacts, while almost 62 percent report that the LMPD incorporates community policing competencies into performance evaluations. Thirty-eight percent indicate that the LMPD incorporates community policing competencies into promotional determinations. This data suggests that although officers are supportive of community policing and community engagement, the Department should consider improving its performance evaluation and promotional processes to reward behaviors that support its community-related goals.

### Relationships and Trust

Almost 96 percent of LMPD respondents reported that the majority of officers they work with treat all members of the community with respect. The survey indicates the LMPD employees believe that community members trust them as individuals more than they trust the Department overall. While over 73 percent think that the people in the neighborhoods in which they work trust them as an officer, fewer respondents (53 percent) think that residents in the neighborhoods they work trust the LMPD, demonstrating the power of personal interaction in building trust.

### Use of Force and De-Escalation

About 73 percent of the LMPD respondents agree or strongly agree that they are reluctant to use non-deadly force because of the possible impact on their careers. Most (almost 81 percent) also expressed that they are hesitant to use deadly force because of the possible impact on their careers. Eighty-nine percent feel somewhat prepared or very prepared to de-escalate situations. While the decision to use force, especially deadly force, is serious, officers' reluctance to use such force could result in officer and civilian safety issues.

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*89 percent of the LMPD survey respondents feel somewhat prepared or very prepared to de-escalate situations.*

### Cross-Analysis

Although the surveys had different questions, we compared responses for questions that shared similar sentiments to analyze varying viewpoints. It is clear that neither the LMPD nor the community members, at least those with experiences making complaints against LMPD officers, are satisfied with the complaint process. Officers believe that complaints are fair ( $M = 2.45$ )<sup>78</sup> but relatively few officers feel as though the time it takes for an investigation is timely ( $M = 1.67$ ). Contrast this to the analogous items for community members who strongly report being dissatisfied with both the process and outcome of the complaint process ( $M = 1.59$  and  $1.57$ , respectively).

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<sup>78</sup> 'M' represents the mean or mathematical average between the responses from the five-point scale of the community survey to match the four-point scale of the LMPD survey.



Additionally, we see that while most officers believe that most complaints are frivolous ( $M = 3.16$ ) – a view not shared by civilian employees ( $M = 1.78$ ) – this does not seem to align with the community's expectations. A sizable portion of the community does not feel safe reporting misconduct by the LMPD. Relatively few respondents had ever filed a complaint against LMPD officers (9.97 percent), and only 1.57 percent had filed four or more instances of misconduct.

We reviewed information about the trust and community engagement between LMPD personnel and the community. Again, we see that the two groups have divergent perceptions of these issues. On a four-point scale, LMPD officers strongly agree that most officers treat community members with respect ( $M = 3.61$ ), which is a full two points higher than the average of community members on the same scale ( $M = 1.60$ ). This difference is even more pronounced between the average of officers and Black community members. We see that community members are not satisfied regarding the LMPD's fair treatment of community members ( $M = 1.56$ ). Further, we see that community members do not believe the LMPD treats all racial and ethnic groups the same ( $M = 1.39$ ) nor other disenfranchised groups ( $M = 1.51$ ).

Perhaps most problematic for the LMPD is the disparity in perceptions between LMPD personnel and the community regarding trust. LMPD officers generally feel that the community does not trust the Department ( $M = 2.47$ ). This is only incrementally higher for officers' assessments of how much community members trust the officer themselves ( $M = 2.88$ ). Compare this to the fact that most community members trust the Department much less ( $M = 1.51$ ). In essence, LMPD personnel seem to acknowledge or understand that the community does not trust them, but the actuality of the situation is much worse than they thought.

While this data indicates that the LMPD has a lot of work ahead to regain and build trust with the community, as this report indicates, leadership and personnel have strategic paths forward. One path is a renewed effort to engage and collaborate with the community to address the social impacts that are causing the current mistrust. As noted above, the survey data indicated that over 86 percent of the LMPD respondents agree that robust engagement and collaboration with the community is required in this effort. That the LMPD officers who responded to the survey want to be better is certainly a sign of hope for efforts that lie ahead.



## *A Strategy for Reform – Co-Produced Public Safety as Louisville’s Model for Transformation*

The recommendations outlined throughout this report are extensive and, if implemented by the Metro government and the LMPD, will represent far more than improvements to existing Department policies, practices and procedures. To meet the internal and external challenges, the LMPD must make fundamental, innovative and long-lasting reforms to:

- + The Department’s core culture at every level – at headquarters, in the field, and even online, and
- + A full-scale redesign of the LMPD’s relationship with all the Louisville Metro region’s neighborhoods, not just some of them.

This reform requires an overarching, highly inclusive model of public safety service delivery – one that purposefully elevates the community’s role in the process from a ‘client’ receiving law enforcement services to an equal partner in helping influence and direct public safety strategies, policies, practices and priorities.

### **The Value of the Co-Produced Public Safety Model**

We call this specific model or framework Co-Produced Public Safety (CPPS). CPPS empowers the community with a seat at the table and the authority to collaboratively set the course for the future of how the Metro government delivers public safety services. It shifts the community organizing authority from under the LMPD’s sole control to a true partnership between the Department, the community and other key stakeholders, thereby empowering the community beyond its historically subordinate role.

With CPPS, Louisville gains a framework for a new long-term vision and strategy developed collectively by the community, the LMPD and Metro government. This strategy will identify key issues, actions and tactics necessary to change and improve the Department’s ability to achieve the shared goals of the CPPS stakeholders.



## The Establishment of the Louisville CPPS Committee

At the center of the CPPS model is a new Louisville CPPS Committee composed of representatives from the community, the LMPD and other public service agencies, with a clear mandate and authority to oversee all initial CPPS planning and execution.

Modeled after traditional corporate boards of directors, the metro-wide Louisville CPPS Committee is not the oversight body of the LMPD or the neighborhood committees, nor do its members direct the Department's daily activities or act as civilian review over matters such as discipline. Instead, the Committee's purposes are to:

- + Promote meaningful accountability, transparency and commitment to the CPPS model.
- + Ensure transparent, accountable community engagement through a collaborative, region-wide, community-focused approach.
- + Reflect the input from Divisional CPPS Committees established in each of the LMPD's divisions regarding the direction and strategic course of the public safety activities.
- + Oversee authorship, approval of and adherence to a comprehensive CPPS Multi-Year Strategic Plan based on input from all stakeholders – government, public safety agencies and community members.

## The Louisville CPPS Committee's Duties and Responsibilities

Initially, the Louisville CPPS Committee will focus on championing and advancing the implementation of the recommendations identified in this report. It will assess the Department's progress, hold key LMPD and community stakeholders accountable, and issue regular reports to share with the Metro's administration, the Louisville Metro Council and publicly to all residents.

Together, the Mayor, Metro Council, the LMPD and the Louisville CPPS Committee will help develop the CPPS strategy by defining the Committee's duties and responsibilities, which will include the following:

1. Define the overarching mission and goals for the delivery of public safety services in Louisville and the Metro region, as well as the LMPD's core values, philosophy and guiding principles.
2. Champion to the public the CPPS mission, accomplishments and goals, and advocate for community participation and support for public safety activities.
3. Communicate Louisville Metro communities' needs and requirements that will drive public safety priorities and communicate perspectives on the LMPD's performance held by other City stakeholders.
4. Identify metrics to measure the progress and outcomes achieved by the LMPD administration and the community.
5. Author a comprehensive CPPS Multi-Year Strategic Plan.



6. Establish a structure for community members with concerns not specifically aligned to a neighborhood or division to bring their priorities to the Louisville CPPS Committee for review and action.
7. Provide to the Mayor and Metro government leaders insight into public safety strategies and roles other agencies and specialists must play to ensure a safe and secure community.
8. Develop and assist in the implementation of public safety strategies and programs in each Division and neighborhood.
9. Evaluate the performance of the LMPD and other public safety agencies and contribute to the evaluation of its chief executive – at least annually.

Roles excluded from the purview and authority of the Committee include oversight or authority over the LMPD's operations, management of operational personnel, pursuit of personally advantageous initiatives and personal or political agendas, and disciplinary involvement or oversight.

### **Establishment of Divisional CPPS Committees**

Each Division will have a Divisional CPPS Committee that includes a diverse group of neighborhood residents, LMPD Division managers and other stakeholders to develop public safety strategies and tactics. Most importantly, each Divisional CPPS Committee will own and define the metrics used to drive and evaluate success.

The Divisional CPPS Committees will liaise with designated Community Ambassadors, who are civilians who represent the neighborhood, and the Louisville CPPS Committee to develop and discuss public safety priorities and strategies in the Division. These structured meetings will focus on the goals and needs for public safety in the communities they represent.

Within the Division, LMPD officers will be assigned to neighborhoods and charged with building relationships with neighborhood leaders, groups, residents and businesses. The overall focus of the Division will be executing the strategic policing goals as part of their daily service.

- + The officers remain in specifically defined neighborhood areas and will be tasked with directly engaging and building trust with their community.
- + A small group of Community Ambassadors will volunteer to work with the policing sector to address the specific strategies and goals for their Division or neighborhood.
- + Each subdivision (referred to as sectors in this model) within an LMPD Division or neighborhood can call upon other government agencies and social service partners to assist in addressing complex situations and resolve conflicts and disagreements peacefully.



- + Officers will be tasked daily to work specifically with the community on strategies related to crime prevention, investigations, public safety concerns, quality-of-life matters and the manner in which the LMPD engages with the community.
- + Officers assigned to a sector will continue to respond to calls for service and have uncommitted time to engage with the community. In addition to these sector officers, there will be two specially trained officers in each sector to serve in the capacity as full-time Coordination Officers and partner with the Community Ambassadors to interact with the community, ensure fidelity to the Division's strategic goals and serve as liaison to the Divisional CPPS Committee.

### **Improved Outcomes for all Louisville Stakeholders**

Embracing the CPPS approach to community public safety will significantly improve the relationships between the LMPD and the community. The community will receive the type of public safety services its representatives identify as important. This partnership between community, the LMPD and other stakeholders will result in a defined and shared responsibility for the overall quality of public safety services they mutually agreed to co-produce – services that are subject to metrics and shared, transparent outcomes.

### **Next Steps**

This will be an iterative process with growing ownership residing with the Divisions that both the LMPD and the community residents serve. To this end, we recommend piloting the CPPS model in two Divisions that are identified by a needs assessment of the CPPS Committee. Technical assistance will be provided to ensure officers and Community Ambassadors are motivated and trained to be successful in their roles. Their day-to-day engagement will inform the Metro and the Committee as Louisville's CPPS model builds trust and expedites the delivery of public safety services across all City and Metro area communities.





## Appendices

### Appendix A: Data Analysis

#### Conducted by Dr. Alexander Weiss

In this section of our report, we examine data obtained from the LMPD data sets: traffic stops, field interviews and arrests. We describe each of these data sets then look at whether there is evidence of racial disproportionality in the application of these police tactics.

We believe it is important for the community to determine the real relationship between race and police officer decision-making in the LMPD. To achieve this, one must understand the underlying questions and methodology. For a number of years, researchers and policy makers have sought to understand the effect of race on decision-making in the criminal justice system. Such concern is well placed.

According to the U.S. Department of Justice Office of Justice Programs:<sup>79</sup>

- + In 2018, the incarceration rate per 100,000 US residents was 431 for all individuals, 218 for White individuals, 1,134 for Black individuals and 549 for Hispanic individuals.
- + In 2018, the imprisonment rate of Black males was 5.8 times that of white males, while the imprisonment rate of Black females was 1.8 times the rate of white females.
- + Non-U.S. citizens made up a similar portion of the U.S. prison population (7.7 percent) as they did of the total U.S. population (6.9 percent, per the U.S. Census Bureau).
- + Black males ages 18 to 19 were 12.7 times as likely to be imprisoned as white males of the same ages; the highest Black-to-white racial disparity of any age group in 2018.
- + Hispanic males ages 18 to 19 were 3.3 times as likely as white males of the same ages to be imprisoned at year-end 2018.

Another way to look at this question is through the National Criminal Victimization Survey (NCVS).<sup>80</sup> NCVS is the nation's primary source of information on criminal victimization. Each year, data is obtained from a nationally representative sample of about 90,000 households, comprising nearly 160,000 individuals, on the frequency, characteristics and consequences of criminal victimization in the United States. Each household is interviewed twice during the year. The NCVS provides the largest national forum for victims to describe the impact of crime and characteristics of violent offenders.

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79 Carson, E. Ann. *National Prisoner Statistics, 2008-2018*. Bureau of Justice Statistics.

80 Morgan, Rachel E.; Oudekerk, Barbara A. *Criminal Victimization*. Bureau of Justice Statistics, September 2019.



“Based on victims’ perceptions of the offenders, the offender-to-population ratio shows that the percentage of violent incidents involving Black offenders (22 percent) was 1.8 times the percentage of Black persons (12 percent) in the population. In contrast, the percentage of violent incidents involving white (50 percent) or Hispanic (14 percent) offenders was about four-fifths (0.8 times) the percentage of white individuals (62 percent) or Hispanic individuals (17 percent) in the population.”

While this survey suggests that Black individuals are over-represented among offenders, this difference is not enough to explain the different rates of arrest or incarceration.

Of particular concern is the effect of race on decision-making by law enforcement officers. A recent study,<sup>81</sup> for example, has defined racial profiling as “the use of race or ethnicity, or proxies thereof, by law enforcement officials as a basis for judgment of criminal suspicion.”

The author further suggests that “if police pay more attention to (are more likely to stop and/or search) members of some racial groups, then regardless of actual criminality or offending rates, those groups will bear a disproportionate share of sanctions.” Moreover, racial bias by law enforcement officers may subject innocent individuals to stops, searches and arrests.

## LMPD TRAFFIC STOPS

Traffic stop data is an important source of information about police-community encounters. According to the U.S. Bureau of Justice Statistics, traffic stops are the most common form of police-initiated contact, representing about nine percent of all such contacts.<sup>82</sup> Often, a person’s opinion of a law enforcement agency is affected by the nature of the encounter.

It is important to consider how law enforcement agencies use traffic law enforcement and how that affects community perceptions. First, traffic law enforcement has always been a key component of any program to reduce traffic crashes. Evidence suggests that when it is applied at high accident locations and focused on the contributing factors, it can be effective. Moreover, recent research suggests that this data-driven traffic law enforcement may also reduce crime in these high accident locations.<sup>83</sup>

In some communities traffic law enforcement is designed, in part, to generate revenue. A recent study, for example, found that fines and fees “account for more than 10 percent of general fund revenues in nearly 600 U.S. jurisdictions. In at least 284 of those governments, it’s more than 20 percent.”<sup>84</sup> In order to generate more fines, agencies may focus on equipment and registration

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81 Jack Glaser. *Suspect Race: Causes and Consequences of Racial Profiling*. New York: Oxford University Press. 2015.

82 Davis, Elizabeth; Anthony Whyde. U.S. Department of Justice, Bureau of Justice Statistics, 2018, *Contacts Between Police and the Public*, 2015.

83 *Flint DDACTS Pilot Evaluation: Summary of Findings*. Michigan Justice Statistics Center School of Criminal Justice, Michigan State University, 2014. [https://cj.msu.edu/\\_assets/pdfs/mjsc/MJSC-FDDACTS-Summary-July2014.pdf](https://cj.msu.edu/_assets/pdfs/mjsc/MJSC-FDDACTS-Summary-July2014.pdf)

84 Maciag, Mike. “Addicted to Fines.” *Governing: The Future of States and Localities*. <https://www.governing.com/topics/finance/gov-addicted-to-fines.html>



violations. This strategy may result in high rates of stops of individuals who lack resources to address these issues. There may also be significant fees associated with these fines, even when found not guilty.<sup>85</sup> Not surprisingly, these costs are often borne by people of color. The inability to pay fines and fees may lead to arrest warrants, incarcerations, and driver license suspensions.<sup>86</sup>

Finally, police officers may use traffic law enforcement as a “pretext” to conduct a further investigation of a vehicle or its occupants. It is important to note that this type of encounter is legal as long as the officer can articulate the violation that was observed.<sup>87</sup> A recent study has illustrated, however, how pretextual stops can have serious consequences for police community relations.

The researchers found that “pretextual investigatory stops — such as those condoned by Whren — contributed heavily to police mistrust and ill-will by Black individuals. Their data, taken from a sample of traffic stops in Kansas City showed that white and Black drivers generally felt the traffic safety stops were legitimate because they knew they were pulled over for speeding and were most often treated in a way they viewed was fair. However, when the stop was for a minor infraction and led to the officer asking prying questions and requesting to search the vehicle, the stops engendered hostility and resentment among all races, but particularly among Black and Hispanic individuals — who were stopped much more often for investigatory purposes — whether or not the officer was polite and respectful.”<sup>88</sup>

The LMPD maintains two traffic stop files. The first file consists of entries made by officers electronically. The second consists of entries prepared on paper forms. Paper forms are filled out usually for one of two reasons:

- + The officer did not have access to a computer.
- + They only issued a verbal warning.

We are examining these two data sets separately in our analysis, in part, because they contain different data. We begin with the electronic file.

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85 Vanek Smith, Stacey; Garcia, Cardiff. “Police Fines Fund City Budgets, But at a Cost.” NPR, 19 June 2020. <https://www.npr.org/2020/06/19/880754386/police-fines-fund-city-budgets-but-at-a-cost>

86 Harris, Allison; Ash, Elliot; Fagan, Jeffrey. “Local Budget Shortfalls Alter the Racial Disparities in Traffic Stops.” The Washington Post, 27 August 2002. <https://www.washingtonpost.com/politics/2020/08/27/local-budget-shortfalls-alter-racial-disparities-traffic-stops/>

87 Whren v. United States, 517 U.S. 806 (1996)

88 Epp, Charles R.; Maynard-Moody, Steven; Haider-Markel, Donald P. “Pulled Over: How Police Stops Define Race and Citizenship.” 2014. See also: Blanks, Jonathan. “Thin Blue Lies: How Pretextual Stops Undermine Police Legitimacy.” 2016 <http://scholarlycommons.law.case.edu/caselrev/vol66/iss4/5>



In 2019, the LMPD reported 38,142 stops, or about 105 per day. Figure 1 shows the distribution of stops by month. It is unclear why the stops seem to have dropped off in the latter part of 2019.

Figure 1: LMPD Traffic Stops by Month with a Moving Average

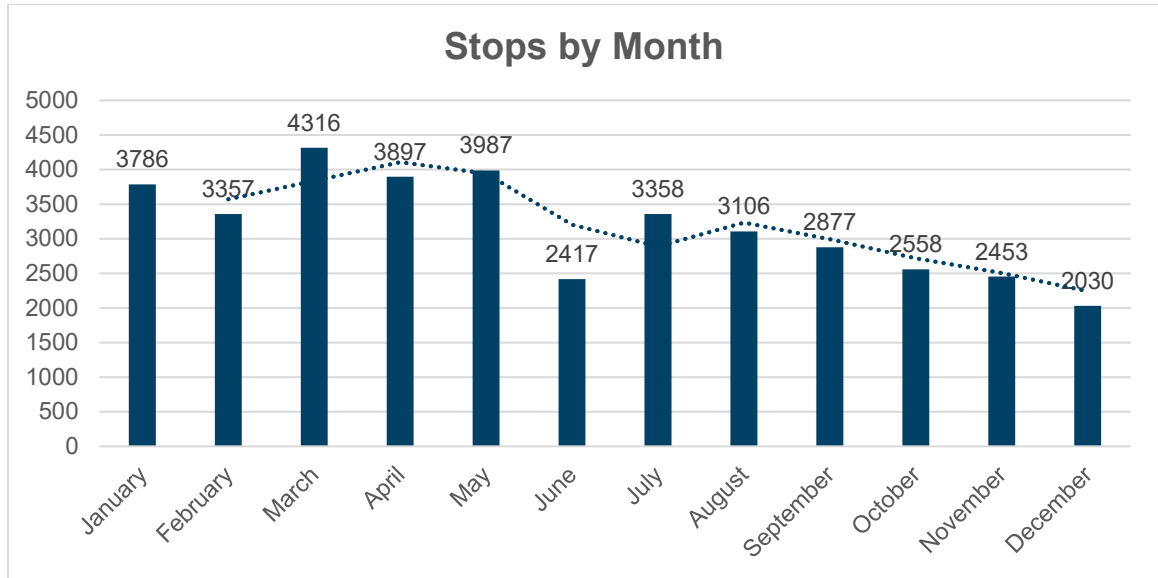


Figure 2: LMPD Traffic Stops by Day of Week

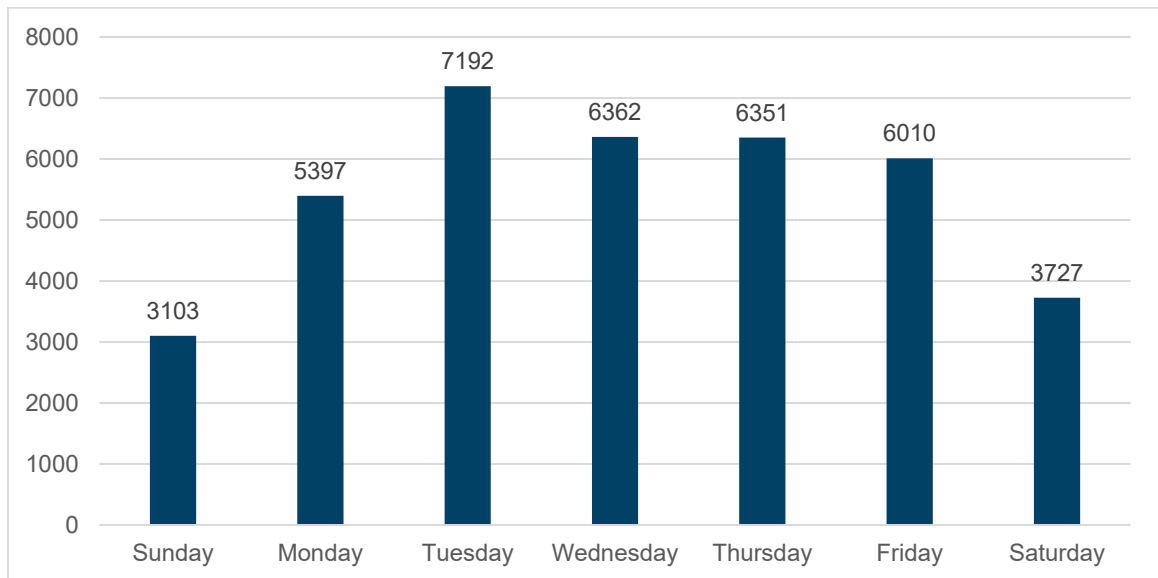
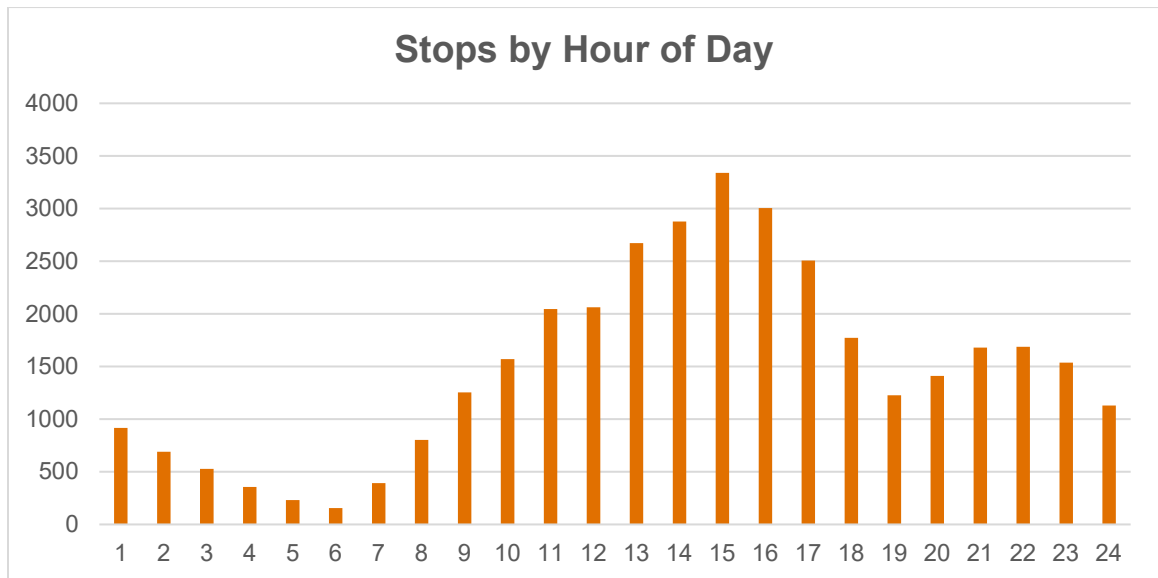




Figure 3: LMPD Stops by Hour of Day



This pattern largely follows the distribution of calls for service.

Next, we turn to demographic information. Table 1 illustrates the gender of drivers stopped. Of the stops where gender is identified, about 63 percent of stopped drivers were male.

Table 1: Driver's Gender

Driver's Gender	Count
Blank	1
Female	14,284
Male	23,854
Unknown	3
Total	38,142

Table 2 illustrates the age of the stopped drivers. About 40 percent of the drivers are between the ages of 16 and 30.



Table 2: Age Range of Drivers

Driver's Age Range	Count
16 - 19	2,435
20 - 25	7,211
26 - 30	6,035
31 - 40	9,055
41 - 50	6,406
51 - 60	4,382
Over 60	2,591
Under 16	27
<b>TOTAL</b>	<b>38,142</b>

Table 3: Driver's Race

Driver Race	Count
American Indian	32
Asian	421
Black	12,795
Hispanic	2,047
Indian/India/Burmese	1
Middle Eastern	6
Null	255
Unknown	13
White	22,572
<b>TOTAL</b>	<b>38,142</b>

Note: In 268 records, the race is either left blank or cited as unknown.



Table 4: LMPD Traffic Stops by Location<sup>89</sup>

Division	Count
Blank	1,510
1st Division	2,754
2nd Division	2,446
3rd Division	4,871
4th Division	4,671
5th Division	5,447
6th Division	6,231
7th Division	4,972
8th Division	5,097
Metro	143
<b>TOTAL</b>	<b>38,142</b>

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<sup>89</sup> According to the LMPD 2019 Annual Report, officers from the Traffic Division are responsible for 34 percent of stops.



Table 5: Most Common Violations Cited During Stops

Charge	Count
Failure to Wear Seat Belts	6,539
Failure of Owner to Maintain Required Ins/Security 1st Off	4,791
No or Expired Registration Plates	2,686
Fail of Non-Owner/Oper to Maintain Req Ins/Security 1st Off	1,384
Speeding 25 Mph Over Limit	1,311
Careless Driving	1,187
Speeding 21 Mph Over Limit	1,104
Speeding 20 Mph Over Limit	1,061
Speeding 26 Mph or Greater Over Limit	975
Speeding 22 Mph Over Limit	909
Speeding 15 Mph Over Limit	864
Speeding 19 Mph Over Limit	812
Speeding 23 Mph Over Limit	803
Failure to Produce Insurance Card	801
Speeding 18 Mph Over Limit	744
Speeding 17 Mph Over Limit	736
Operating on Suspended/Revoked Operators License	717
Disregarding Stop Sign	666
Speeding 16 Mph Over Limit	592
Disregarding Traffic Control Device, Traffic Light	587





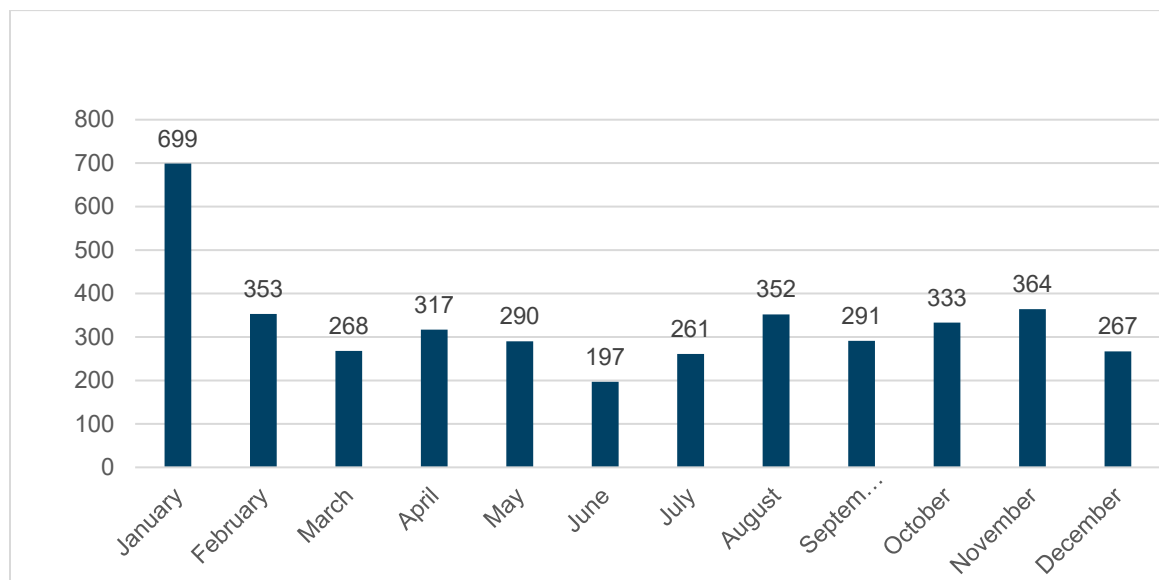
### LMPD Paper Traffic Stop Records

This data set is largely similar to the previous, but it can be used when a driver is issued a verbal warning. Table 6 shows the outcome of these 3,991 stops.

Table 6: Traffic Stop Outcome

Outcome	Count
Citation	406
Physical Arrest	138
Warning	3,447
TOTAL	3,991

Figure 4: Distribution of Stops by Month



In Figure 5, we observe the stops by day of week and in Figure 6, we see the distribution by hour of day. Note: The majority of stops occur during the late evening, while in the previous data, stops peaked during the mid-afternoon.



Figure 5: Stops by Day of Week

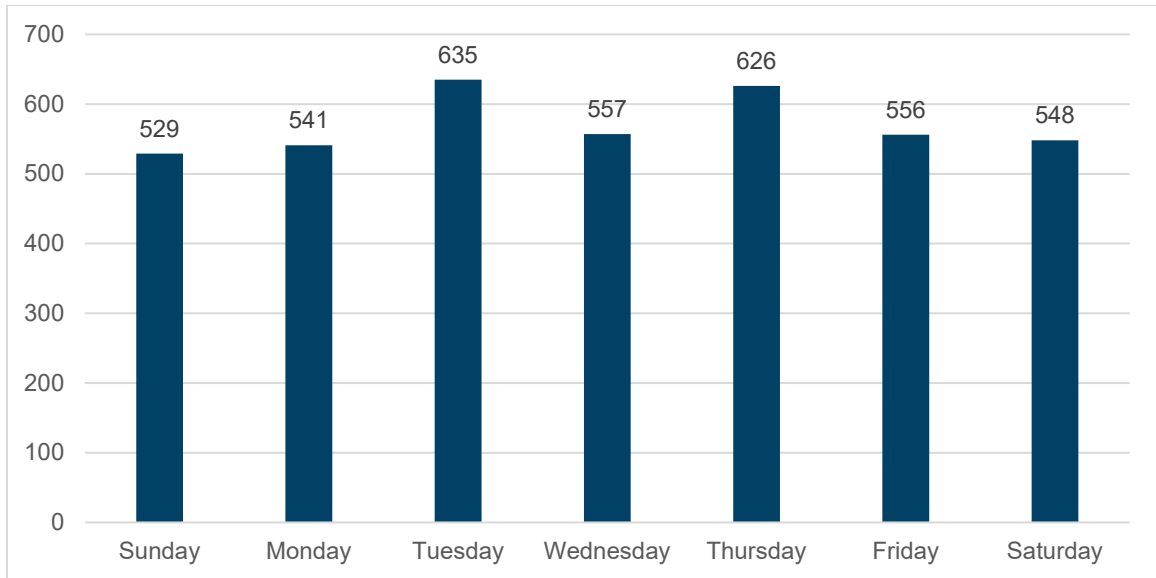


Figure 6: Stops by Hour of Day

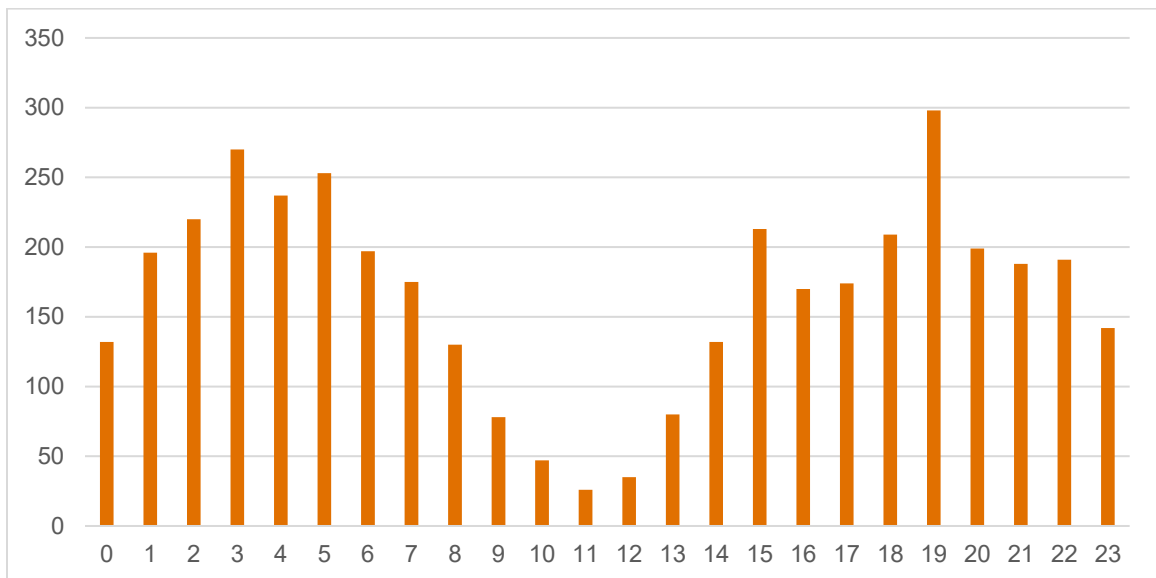




Table 7: Driver's Gender<sup>90</sup>

Gender of Driver	Count
Female	1,305
Male	2,686
TOTAL	3,991

Table 8: Driver's Race

Race	Count
Alaskan Native	1
American Indian	3
Asian/Pacific Islander	33
Black	1,689
Indian/India/Burmese	21
Middle Eastern Descent	53
White	2,191
TOTAL	3,991

The paper file asks the officer to indicate the ethnicity of the driver. Those results are illustrated in Table 9.

Table 9: Driver's Ethnicity

Ethnicity	Count
Hispanic	232
Non	3,759
TOTAL	3,991

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<sup>90</sup> It is interesting to note that although Black drivers constitute 33 percent of those stopped in the electronic file, they represent 42 percent of those stopped in the paper data set.



Table 10: Traffic Stop Location by Division

Division	Count
1st Division	429
2nd Division	544
3rd Division	552
4th Division	484
5th Division	509
6th Division	502
7th Division	553
8th Division	388
Small Cities	30
Total	3,991

The LMPD collects data on searches conducted during traffic stops. Of particular interest are consent searches because presumably, there is no other legal justification for the search. Many communities have found evidence of racial bias in consent searches.<sup>91</sup> The following table illustrates consent search data from the electronic file.

Table 11: LMPD Consent Searches

Race	Traffic Stops	Consent Searches	Percent
White	22,572	194	0.86
Black	12,795	107	0.84

As we can observe, consent searches are rarely performed, and at the same rate for White and Black individuals.

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<sup>91</sup> "Racial Disparity in Consent Searches and Dog Sniff Searches." ACLU Illinois, 13 August 2014. <https://www.aclu-il.org/en/publications/racial-disparity-consent-searches-and-dog-sniff-searches>



## Field Interviews

Like most law enforcement agencies, the LMPD conducts field interviews, in some agencies referred to as “stop and frisk.”

“A stop-and-frisk refers to a brief non-intrusive police stop of a suspect. The Fourth Amendment requires that before stopping the suspect, the police must have a reasonable suspicion that a crime has been, is being, or is about to be committed by the suspect. If the police reasonably suspect that the suspect is armed and dangerous, the police may frisk the suspect, meaning that the police will give a quick pat-down of the suspect's outer clothing. The frisk is also called a Terry Stop, derived from the Supreme Court case *Terry v. Ohio*, 392 U.S. 1 (1968).”<sup>92</sup>

The United States Department of Justice (DOJ) has recognized that when stop and frisk programs do not comply with constitutional principles and people of color are disproportionately stopped, there is a grave impact on the relationship between police and the community. In a recent study in Newark, the DOJ found that the “experience of disproportionately being subjected to stops and arrests in violation of the Fourth Amendment shapes Black residents’ interactions with the NPD, to the detriment of community trust, and makes the job of delivering police services in Newark more dangerous and less effective.”<sup>93</sup>

The policy and procedures for these contacts are described in policy. Policy 3.6.2, for example, describes the LMPD policy:

“Field interviews are an important point of contact for officers in preventing and investigating criminal activity. Field interviews may be perceived by some citizens as a means of harassment or intimidation conducted in a discriminatory manner against groups or individuals. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers in approaching suspicious individuals, officers will conduct field interviews and pat down searches in an impartial and courteous manner, free of bias, and in accordance with applicable laws and the Standard Operating Procedures (SOPs) of this department.”

Section 3.6.7 describes procedures for completing “field contact reports.”

“Detailed information on criminal activity is sometimes gained via other means (e.g. suspicious location, suspicious vehicle, etc.). In these situations, a Field Contact Report may be filled out, whenever an officer has a reasonable suspicion that a crime has occurred, is occurring, or is about to occur, for the following:

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<sup>92</sup> “Stop and Frisk.” Legal Information Institute. [https://www.law.cornell.edu/wex/stop\\_and\\_frisk](https://www.law.cornell.edu/wex/stop_and_frisk)  
<sup>93</sup> *Stop and Frisk in Chicago*. ACLU of Illinois, March 2015. [https://www.aclu-il.org/sites/default/files/wp-content/uploads/2015/03/ACLU\\_StopandFrisk\\_6.pdf](https://www.aclu-il.org/sites/default/files/wp-content/uploads/2015/03/ACLU_StopandFrisk_6.pdf)



- + Suspicious persons
- + Vehicles
- + Witnesses
- + Businesses (this may include notes taken during a business check)
- + Residences
- + Any other locations (e.g. street corners, blocks, parks, parking lots, etc.)
- + Information received from an individual during a Terry Stop or voluntary contact about possible criminal activity.”

We should note that the preparation of the report appears to be at the discretion of the officer.

Section 3.6.8 describes how data collected from field interviews is handled.

“The Records Management System (RMS) is the system of record for all Field Contact Reports. All field contacts will be entered into the RMS in the “Field Contact” module, utilizing the following fields:

- + Location.
- + Suspect.
- + Vehicle.
- + Administrative information (code number and assignment).
- + Narrative, in the “Remarks” section of the RMS (reasonable suspicion for the stop).

“Field Contact Reports will not be completed on suspects, victims, or other individuals associated with an existing offense report, collision report, or citation unless the field contact provides new information on other criminal activity unrelated to the existing report(s) (e.g. a person involved in a traffic accident has property that the officer suspects may be stolen).”

While we are uncertain as to whether information from all field interviews is captured, when it is captured, it should appear in the database. Moreover, this data should not generally be duplicative of the traffic stop or arrest files.

In 2019, the LMPD reported 2,153 field interviews in the RMS system. Table 12 illustrates the reason for the contact.



Table 12: Reason for Field Contact

Type of Contact	Number
Special Investigation	15
Gang Member	3
Suspicious Vehicle	63
Citizen Contact	362
Directed Patrol	145
Equipment/Traffic Violation	191
Passenger	29
Personal Observation	238
Other	63
Complaint/Investigation	751
Juvenile Curfew Violation	1
Narcotics Involvement	55
Suspicious Person	237



Table 13: Field Interview Location

Division	Number
1	271
2	259
3	251
4	314
5	406
6	137
7	103
8	79
Blank	305
AUD	1
JTN	3
SHV	15
STM	7
WB	2

Table 14: Gender of Field Contacts

Gender	Number
MISSING	48
Female	483
Male	1619
Unknown	3
TOTAL	2153





Table 15: Race of Field Contacts

Race	Count
Alaska Native	2
Asian	6
Black	950
Hispanic	12
Middle Eastern	3
Missing	103
Unknown	13
White	1,064
TOTAL	2,153

Table 16: Age Range of Field Contacts

Age Range	Number
16 - 19	215
20 - 29	534
30 - 39	564
40 - 49	374
> 50	323
Blank	143



## LMPD ARREST DATA

Our final data set includes all 2019 arrests. Included in the file are 116,558 individual records. The data includes information about 52,103 individuals who were arrested and 64,455 who were cited. These categories are combined for this analysis.

Figure 7 shows arrests by month. As was the case with traffic stops, there was a decline toward the end of the year.

Figure 7: Arrests by Month with Moving Average

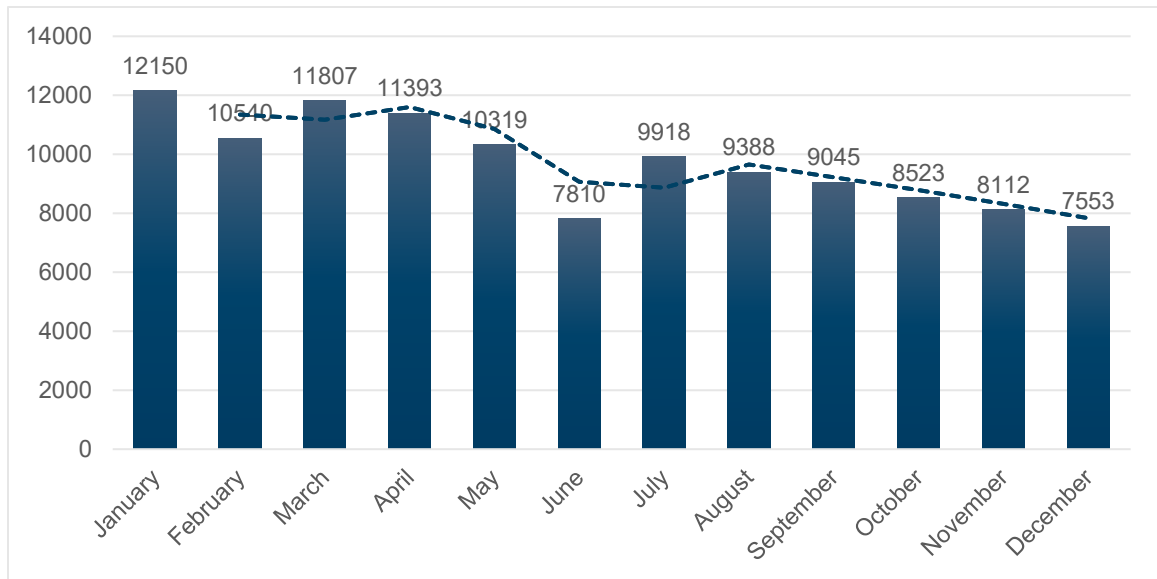
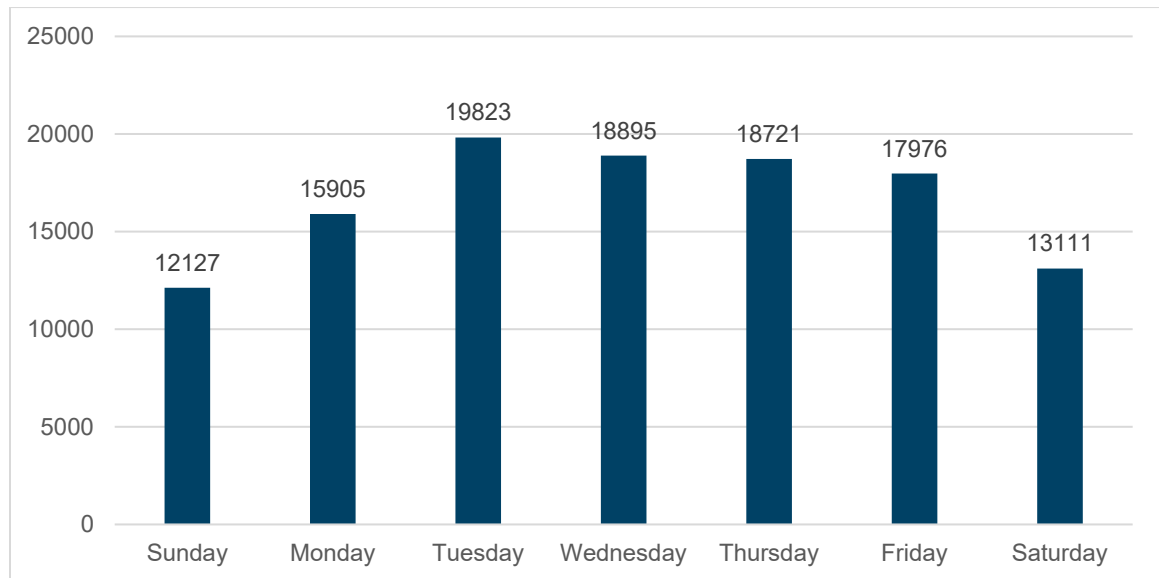




Figure 8: Arrests by Day of Week



Note: Arrests are highest mid-week.

Figure 9: Arrests by Hour of Day

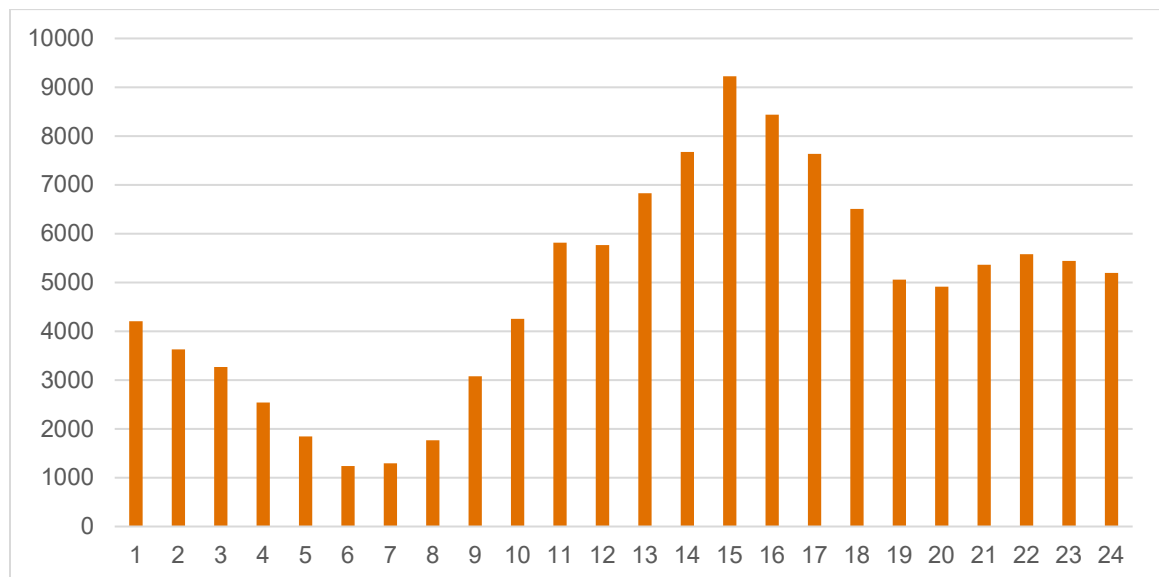




Table 17: Arrests by Gender

Gender	Count
Blank	4
F	37,235
M	79,312
U	7
TOTAL	116,558

Table 18: Arrests by Race<sup>94</sup>

Race	Count
Blank	444
Asian	884
Alaska Native	3
Black	47,990
Hispanic	400
American Indian	84
Burmese	5
Middle Eastern	46
Unknown	198
White	66,504
Total	116,558

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<sup>94</sup> The file describes both Hispanic race and Hispanic ethnicity. We determined that 4,462 persons were listed as White (race) and Hispanic (ethnicity). 346 persons were described as Hispanic race and Hispanic ethnicity.



Table 19: Arrests by Ethnicity

Ethnicity	Count
Blank	2,642
H	5,205
N	104,928
U	3,783
Total	116,558

Figure 10: Arrestee Age Groupings

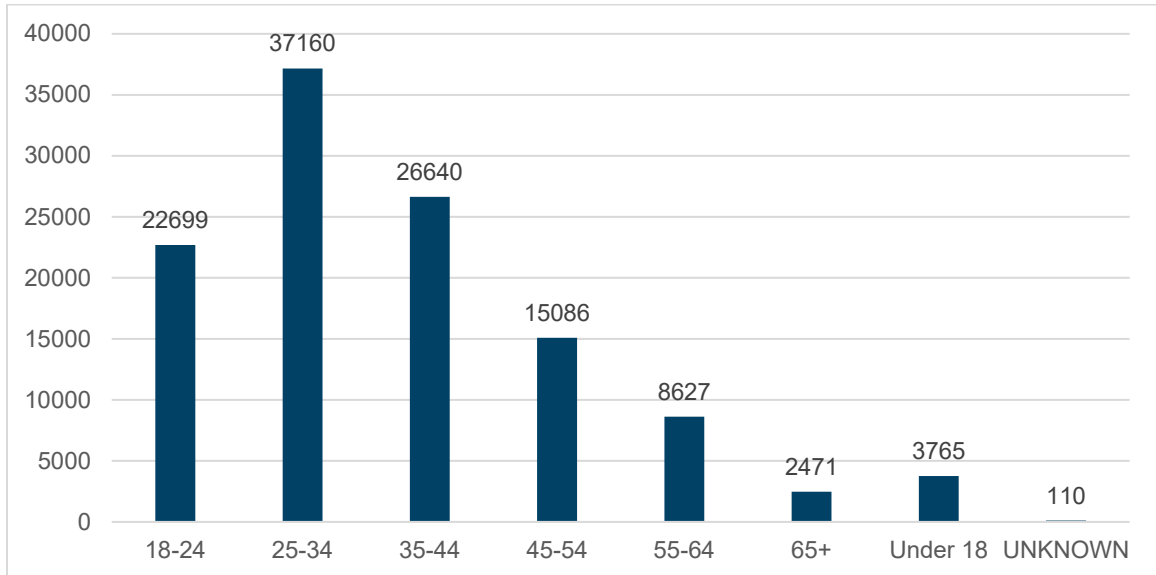




Table 20: Arrest Location<sup>95</sup>

Division	Count
1	15,415
2	14,064
3	15,883
4	18,540
5	10,640
6	14,441
7	13,982
8	9,556
Blank	2,616
Audubon Park	18
Greywood Devondale	6
Jeffersontown	189
Prospect	35
Shively	685
St. Matthews	447
West Beuchel	41
Total	116,558

Table 21: Arrestee Armed

Armed/Unarmed	Count
Unarmed	111,280
Armed	5,278
TOTAL	116,558

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<sup>95</sup> These include arrests made by LMPD in other jurisdictions.



## Racial Disproportionality

In this section of the report, we examine whether there is evidence of racial disproportionality in the application of traffic stops, field contacts and arrests/citation. Our strategy is to compare the percentage of stops of people of color with their percentage in the population. There are a few caveats. First, we used population data provided by the City.<sup>96</sup> Second, many stop records left the race field blank or the race was listed as unknown. We excluded those stops from this analysis. Third, we combined the racial groups with a small number of stops in to the “other” category.

Table 22: Electronic Traffic Stop Data

1	2	3	4	5	6
Race	Population	%	Stops	%	Ratio
White	526,229	68.9	22,572	59.4	0.9
Black	161,960	21.2	12,795	33.7	1.6
Hispanic	37,759	4.9	2,047	5.4	1.1
Asian	20,201	2.6	421	1.1	0.4
Other	17,874	2.3	39	0.1	0.04
TOTAL	764,023		37,874	99.7	

To illustrate our methodology, examine Table 22. In the first column, we list the racial categories, including Hispanic. Column 2 lists the population by race, and Column 3 lists the percentage of the population in each racial category. Column 4 lists the number of stops for each race, and Column 5 the percentage of stops by race. In Column 6, we compare the percentage in Column 3 with the percentage in Column 5. If the percentage of stops in a racial category was equal to the percentage of the population, the ratio of the two would be one. If less than one, individuals of that race were stopped less often than we would expect; if greater than one, more often than we would expect. Because this is ratio data, we can interpret it directly. For example, a ratio of two means that the outcome is twice (or 100 percent) more likely than we would expect.<sup>97</sup>

Using Table 22 we observe that the ratio for White drivers is 0.9, or 10 percent less than we would expect if there was no racial disproportionality. For Black drivers, the ratio is 1.6, or 60 percent higher than we would expect.

<sup>96</sup> “Louisville Metro Health Equity Report 2017.” Center for Health Equity, 2017. <https://louisvilleky.gov/center-health-equity/document/2017healthequityreportpdf>

<sup>97</sup> Ratio data is defined as quantitative data, having the same properties as interval data, with an equal and definitive ratio between each data and absolute “zero” being treated as a point of origin.



Table 23: Paper Traffic Stop Data

Race	Population	Percent	Stops	Percent	Ratio
White	526,229	68.9	1,959	49	0.71
Black	161,960	21.2	1,689	42	2
Hispanic	37,759	4.9	232	5.8	1.2
Asian	20,201	2.6	33	0.8	0.3
Other	17,874	2.3	78	2	0.9
			3,991		

Table 24: Field Contact Data

Race	Population	%	Field Contacts	%	Ratio
White	526,229	68.9	1,064	52	0.8
Black	161,960	21.2	950	47	2.2
Hispanic	37,759	4.9	12	0.6	0.12
Asian	20,201	2.6	6	0.3	0.12
Other	17,874	2.3	5	0.2	0.08





Table 25: Arrest Data

Race	Population	%	Arrests	%	Ratio
White	526,229	68.9	61,299	53	0.8
Black	161,960	21.2	47,990	42	2
Hispanic	37,759	4.9	5,205	4.5	0.9
Asian	20,201	2.6	884	0.8	0.3
Other	17,874	2.3	138	0.12	0.05
			115,516		

The strongest evidence of racial disproportionality is for Black individuals. As we can see, the ratio for stops (electronic) is 1.6; for stops (paper) 2; for field contacts 2.2; and for arrests/citations 2.

### Reasons Driving Disproportionate Stop and Arrest Rates

There are a number of reasons that might explain why Black individuals are disproportionately stopped and arrested in Louisville. First, it may be the case that Black individuals offend at higher rates than others. As we illustrated earlier, while Black individuals are clearly arrested and imprisoned more frequently, this may be a result of racial bias rather than offending, so we need to find another way to assess the distinction.

Studies examining racial bias in traffic stops have found that drivers of color are more likely to be stopped than white individuals, even though very few studies have ever determined that white individuals and drivers of color offend at different rates. In his extremely rigorous study of the New Jersey State Police, for example, John Lamberth found that Black drivers were disproportionately stopped on the New Jersey Turnpike, and that Black drivers committing serious traffic violations were stopped more than white individuals committing similar violations.<sup>98</sup>

98 "In the Matter of the Study of State Police Stop Activity at the Southern End of the New Jersey Turnpike." The State of New Jersey. [http://www.state.nj.us/acps/home/hearings/pdf/061121\\_kadane-lambert.pdf](http://www.state.nj.us/acps/home/hearings/pdf/061121_kadane-lambert.pdf)



### The Role of Over-Policing

Another plausible explanation for evidence of disproportionality is what we might call “over-policing.” Police departments normally deploy their resources based on demand. That is, they base staffing on citizen calls for service. In most cities, officers are assigned to the areas with the highest levels of crime and disorder, and there are likely to be higher numbers of officers per population in those areas.

This “over-policing” may have the unintended consequence of increasing disproportionality at the agency. That is, even when officers do not engage in racially biased policing, because there are more officers (relative to other areas) in communities of color, the agency-level data may reflect disproportionality. Table 26 illustrates our examination of the potential effects of over-policing.<sup>99</sup>

Table 26: Over-Policing and Traffic Stop Data

1	2	3	4	5	6	7	8	9
Division	Stops	%Stops	Officers	%Officers	%Black Population	% of Stops-Black Drivers	Dispatched Calls for Service	% CFS
1	2,754	7.5	104	17	56	58	53,672	15
2	2,446	6.7	81	13	81	70	41,718	11
3	4,871	13.3	86	14	11	24	56,642	15
4	4,671	12.8	92	15	27	47	69,329	19
5	5,447	14.9	56	9	5	26	27,532	7
6	6,231	17	70	11	25	33	43,507	12
7	4,972	13.6	68	11	11	21	42,674	12
8	5,097	14	61	10	9	20	34,333	9

<sup>99</sup> Demographic and officer staffing data for this analysis was provided by LMPD.



This table is based on the electronic traffic stop file. Column 1 lists the LMPD Division where the stop took place, and Column 2 shows the number of stops in each division. Column 3 illustrates the percentage of stops that occurred in each division. For example, 17 percent of all stops occurred in the Sixth Division. Column 4 lists the number of officers assigned to each division and Column 5 lists the percentage of officers assigned by division. For example, 11 percent of LMPD officers assigned to the divisions are assigned to the Sixth Division. By comparing, the percentage of stops with the percentage of officers, we observe that in the First Division, 17 percent of officers are assigned but only 7.5 percent of stops occur there.

Column 6 shows the percentage of residents who are Black or African American. Column 7 describes the percentage of stops within the division that included a Black driver. Columns 8 and 9 show the number and percentage of dispatched calls for service by division.

This table includes several important observations:

- + The two divisions (First and Second) with the highest percentage of Black residents have the fewest number of traffic stops.
- + The percentage of stops of Black individuals in these divisions are comparable to the percentage of Black residents (58 percent vs 56 percent in division one).
- + In the divisions with the smallest percentage of Black residents, we observe a relatively high number of Black drivers stopped. For example, in the Fifth Division, Black individuals represent five percent of the population, but 26 percent of the stops in the division were of Black drivers. In the Third, Seventh and Eighth Divisions, the stops of Black drivers are about twice as likely to be stopped as we would expect based on population.

Finally, we may conclude that at least some of the disparities identified in this analysis may result from racial bias in law enforcement. This bias has been demonstrated in scores of empirical studies.



## Appendix B: Sample Traffic Stop Data Collection Form

### Traffic Stop Data Form

<b>Agency Code</b>	
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#### Section A: Traffic Stop Information

<b>Date of Stop (MM/DD/YYYY)</b>		<b>Time of Stop (Military Time)</b>		<b>Duration of Stop (Mins)</b>	
<b>Officer's Name</b>			<b>Officer's Badge #</b>		
<b>Driver's Name</b>					
<b>Address</b>					
<b>City</b>			<b>State</b>		<b>Zip Code</b>
<b>Vehicle's Make</b>			<b>Vehicle's Year</b>		
<b>Driver's Sex</b>	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<b>Driver's Year of Birth</b>		
<b>Driver's Race</b>	<input type="checkbox"/> White		<input type="checkbox"/> Black or African American		<input type="checkbox"/> American Indian or Alaska Native
	<input type="checkbox"/> Hispanic or Latino		<input type="checkbox"/> Asian		<input type="checkbox"/> Native Hawaiian or Other Pacific Islander

<b>Reason for Stop</b>	<input type="checkbox"/> Moving Violation	<input type="checkbox"/> Equipment	<input type="checkbox"/> License Plate/Registration	<input type="checkbox"/> Commercial Vehicle
<b>If Moving, Type of Violation</b>	<input type="checkbox"/> Speed		<input type="checkbox"/> Lane Violation	<input type="checkbox"/> Seat Belt
	<input type="checkbox"/> Traffic Sign or Signal		<input type="checkbox"/> Follow Too Close	<input type="checkbox"/> Other
<b>Results of Stop</b>	<input type="checkbox"/> Citation	<input type="checkbox"/> Written Warning	<input type="checkbox"/> Verbal Warning / Stop Card	
<b>Beat Location of Stop</b>				

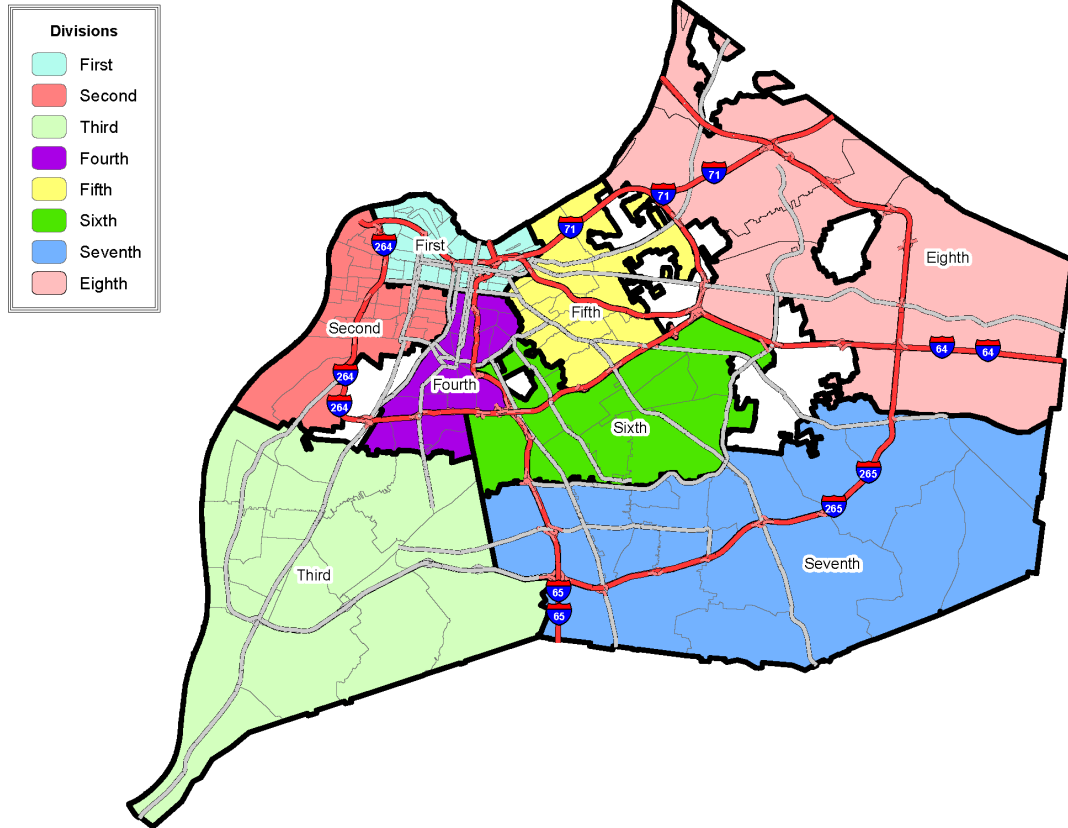


**Section B: Searches**

<b>Vehicle</b>							
<b>Consent search requested?</b>		<b>Consent given?</b>		<b>Search conducted?</b>		<b>Search conducted by?</b>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Consent	<input type="checkbox"/> Other
<b>If a search of the vehicle was conducted, was contraband found?</b>						<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>If yes, what was found?</b>							
<input type="checkbox"/> Drugs	<input type="checkbox"/> Drug Paraphernalia	<input type="checkbox"/> Alcohol	<input type="checkbox"/> Weapon	<input type="checkbox"/> Stolen Property	<input type="checkbox"/> Other		
<b>If the contraband found was drugs, what was the amount?</b>							
<input type="checkbox"/> < 2 grams	<input type="checkbox"/> 2 - 10 grams	<input type="checkbox"/> 11 - 50 grams	<input type="checkbox"/> 51 - 100 grams	<input type="checkbox"/> > 100 grams			
<b>Driver</b>							
<b>Consent search requested?</b>		<b>Consent given?</b>		<b>Search conducted?</b>		<b>Search conducted by?</b>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Consent	<input type="checkbox"/> Other
<b>Passenger(s)</b>							
<b>Consent search requested?</b>		<b>Consent given?</b>		<b>Search conducted?</b>		<b>Search conducted by?</b>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Consent	<input type="checkbox"/> Other
<b>If a search of the driver or passenger(s) was conducted, was contraband found?</b>						<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>If the contraband found was drugs, what was the amount?</b>							
<input type="checkbox"/> < 2 grams	<input type="checkbox"/> 2 - 10 grams	<input type="checkbox"/> 11 - 50 grams	<input type="checkbox"/> 51 - 100 grams	<input type="checkbox"/> > 100 grams			



### Appendix C: LMPD Divisions



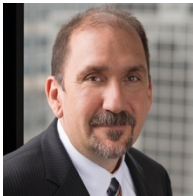


## Appendix D: The Hillard Heintze Louisville Metro Police Department Team

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### Project Oversight

#### Kenneth A. Bouche, Chief Operating Officer



Ken has helped the firm's CEO transform a small team of seasoned professionals into one of the leading security risk management firms in the world. Ken has advised clients across many industries and sectors on how to align their security strategies with their corporate strategies to improve efficiencies and effectively mitigate risk. He currently guides the performance of the firm's operations across all six of its practices. Ken's depth of experience in the justice and homeland security space includes serving as a member the IJIS Institute's Board of Directors from 2009 to 2013 and chairing the Global Justice Information Sharing Initiative from 2001 to 2006. He served as a national leader in improving America's information-sharing capacity and implementing post-9/11 intelligence reforms. Ken dedicated 23 years to the Illinois State Police.

#### Debra K. Kirby, Esq., Senior Vice President



Debra serves as Senior Vice President for Hillard Heintze's Operations. She drives efficiency in our operations and supports our larger law enforcement and cross-practice projects for municipal and corporate clients. She has been a champion for change throughout her career in the public safety field, including as the Deputy Chief Inspector with the Garda Síochána Inspectorate and the Chicago Police Department, where she held multiple leadership roles including Chief of the Bureau of Organizational Development. She was a critical partner in developing the CPD's response protocol for officer-involved shooting in agreement with the Review Authority. A licensed attorney in the State of Illinois, Debra has a master's degree in homeland security awarded by the Naval Postgraduate School. She is a graduate of the FBI National Academy and was a Fulbright Scholar for Law Enforcement working with the University of Manchester in the UK.



## Internal Project Oversight Management

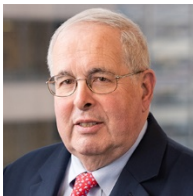
### Robert L. Davis, Senior Vice President and Practice Lead, Law Enforcement Consulting



Rob is a highly regarded and innovative national leader in policing and public safety with extensive experience assessing federal, state and local law enforcement agencies across the U.S. Rob served in a variety of capacities during his 30 years' career with the San Jose Police Department, including as the Chief of Police for seven years. During his time as chief, Rob also served as the President of the Major Cities Chiefs Association. He provided consulting services for the U.S. State Department, traveling on numerous occasions to Central and South America to provide training in community policing methods addressing gang prevention, intervention and suppression. Since retiring from San Jose, Rob has been involved in numerous assessments of police departments across the nation, including serving as the Project Director for Hillard Heintze's Department of Justice Collaborative Reform Initiative for Technical Assistance contract.

## Subject-Matter Expertise

### Robert Wasserman, Senior Vice President



Robert is one of the most trusted and experienced senior experts in policing in the world. Over more than five decades, Robert has been a strong advocate of Constitutional policing and worked with many police agencies to address issues that impact the legitimacy of police in the eyes of the community. Robert has had an extensive career in law enforcement. He served as a senior executive in several large American police agencies, including Boston and Houston. He was the Director of Public Safety for the Massachusetts Port Authority. He served as Chief of Staff of the White House Office of National Drug Control Policy and was tasked to Bosnia following the war, as both Deputy Commissioner/Operations and Commissioner of the United Nations International Police Task Force where he oversaw the restructuring of that country's police. Robert did his undergraduate study in Sociology at Antioch College in Ohio and his graduate work in Police Administration at Michigan State University.





### **Marcia K. Thompson, Esq., Vice President**



Marcia is an attorney and law enforcement practitioner with over 20 years working in the criminal justice field. As a Vice President within our Law Enforcement Consulting practice, she provides oversight, management and technical assistance on various law enforcement assessments, trainings and reviews. Marcia has served as a law enforcement administrator within the Department of Safety at the University of Chicago Police Department, where she oversaw professional standards, accreditation, compliance, training, records management, recruitment, field training, in-service training, leadership development, succession planning, community engagement, youth outreach and the community advisory committee in support of the universities transparency and inclusion initiative. Marcia is a Virginia Supreme Court certified mediator, as well as a collaborative problem-solver, change management facilitator, and equal employment opportunity (EEO) and civil rights professional. For many years, Marcia has served as a federal fact finder, EEO counselor, trained EEO investigator and hearing officer, providing neutral hearings and drafting administrative appellate determinations.

### **Robert Boehmer, Esq., Vice President**



Robert is an experienced facilitator, trainer and public speaker, with expertise in collaborative problem solving, community policing, partnership development and information sharing. For the past several years, he has been facilitating sessions for the Department of Homeland Security's Building Communities of Trust Initiative, focusing on developing trust among law enforcement, fusion centers and the communities they serve. As a Vice President in the Law Enforcement Consulting practice at Hillard Heintze, Robert manages complex law enforcement assessments and helps police agencies transform their organizations and adopt national best practices and industry standards central to improving accountability, transparency and community trust.

### **Robert C. Haas, Vice President**



Robert is a retired police commissioner with extensive experience in law enforcement reform, operational assessments and community engagement. In addition to recently assisting Hillard Heintze with several high-stakes projects, such as the U.S. Department of Justice COPS Office CRI-TA Program, he has served as an expert in numerous agencies. Before joining Hillard Heintze, Robert served as a member of a consent decree monitoring team, performing operational assessments with Strategic Policy Partnership, LLC. His role with Strategic Policy Partnership also included a collaboration with the New York University School of Law Policing Project, where he served as the policing expert on two different teams working to foster greater engagement between the police departments and the communities and to initiate alternative policing approaches.



**Michael Dirden, Esq, Senior Advisor**



Michael joined Hillard Heintze following a long and successful career with the Houston Police Department. As the Executive Assistant Chief of Police, Michael provided leadership and oversight for the department's Investigative, Strategic and Field Operations, including accountability for Patrol Operations, Traffic Enforcement, the Mental Health Division, Apartment Enforcement and Differential Police.

**Dr. Alexander Weiss, Senior Advisor**



Dr. Weiss is a nationally prominent expert and specialist in public safety, law enforcement and police department operational analysis. For nine years, he was Director of the Northwestern University Center for Public Safety and Professor of Management and Strategy at the J.L. Kellogg Graduate School of Management. In addition, he has 12 years of experience with law enforcement agencies in Colorado. He has written and lectured widely on topics such as resource allocation and work scheduling, police innovation, highway safety, program evaluation and racial profiling.

**Rick Tanksley, Senior Advisor**



As a former Vice President of Law Enforcement Consulting at Hillard Heintze, Rick brought to the firm's clients an exceptionally broad base of knowledge and experience in building collaborative relationships at the state and local level in law enforcement. Rick began his policing career with the Oak Park, Illinois Police Department in 1984, and after serving in a number of positions, including Patrol Commander and Deputy Chief, was appointed Chief in 2001. As Chief of Police the Department from 2001 to 2016, and while serving concurrently as Director of Emergency Preparedness for the city, he changed the department culture to one that is transparent, professional, courteous and respectful toward the diverse community it serves. This valuable change resulted in single-digit citizen complaints regarding officer conduct. Additionally, he led efforts as one of the first village departments to institute performance measures to monitor department operations, promote adherence to policies and strategic plans, and create measurable evidence to justify budget requests. He currently serves as the Chief of Police for the Occidental College Police Department in Los Angeles County, joining the Department in January of 2018.



#### **Dr. Edward Denmark, Senior Advisor**



With almost three decades of experience in law enforcement consulting, Edward is a nationally and internationally recognized instructor, trainer and advisor on numerous policing and community issues with a focus on leadership and organizational development. As a member of the Hillard Heintze team, he has assisted with projects for the U.S. Department of Justice (DOJ) Offices of Community Oriented Policing Services (COPS) Cooperative Reform Initiative Technical Assistance (CRI-TA) Program. Edward has served as the Chief of Police in Harvard, Massachusetts for the past 14 years and previously as the Chief of the Sterling, Massachusetts Police Department. In addition, he teaches courses in fair and impartial policing, procedural justice and de-escalation techniques.

#### **Grande Lum, Senior Advisor**



Throughout his 30-year career, Grande has focused on dispute resolution and helping address the causes underlying community division. Currently, he is Provost and Vice President for Academic Affairs at Menlo College where he serves as the Chief Academic Officer, determines the college's vision and provides leadership for all academic programs. As Director at the Ohio State University Moritz College of law, he managed the Divided Community Project, which strengthens community efforts to transform division and civil unrest into action. In 2012, President Obama nominated Grande to manage the Community Relations Service, an agency within the Department of Justice, which assists state and local government, private and public organizations, and community groups with preventing and resolving racial and ethnic tensions, incidents and civil disorders, as well as restoring racial stability and harmony. While working as the Director for the Historically Underutilized Business Zone Program within the U.S. Small Business Administration, he managed how the program provides federal government contracting assistance to businesses located in disadvantaged areas including poor urban and rural areas, Native American reservations, Non-U.S. Mainland Difficult Development Areas and military base closure areas. Grande also has extensive teaching experience at institutions including Stanford Law School, University of California, Berkeley School of Law and Dominican University. Grande earned his Juris Doctor degree at Harvard Law School and received a Bachelor of Arts degree from the University of California- Berkeley.



### **Mitchell R. Davis III, Senior Advisor**



Mitchell is a leader within the law enforcement world who combines his robust field experience with academic and organizational thought leadership to promote best practice community policing throughout the country. Beginning his law enforcement career in 1991, Mitchell has served as the Chief of Police for three separate communities since 2001, most recently for the Hazel Crest Police Department in Hazel Crest, Illinois since 2016. In 2018, the Illinois State Crime Commission named Mitchell the Police Chief of the Year. He is currently completing his dissertation on *The Relationship Between Law Enforcement and the Black Community* for his Ph.D. in Organizational Leadership at Concordia University in Chicago.

### **Edwin Debiew, Senior Advisor**



Edwin is an accomplished leader, speaker and trainer within the law enforcement sphere who combines over three decades of policing experience with community engagement subject matter expertise. He has worked with police chiefs, sheriffs, mayors and city and community leaders to educate, train and implement best practices for law enforcement officials and residents regarding community relations. He has been a policy contributor, public speaker and trainer for the National Organization of Black Law Enforcement Executives (NOBLE), including providing NOBLE's national recognized interactive training program, "The Law and Your Community." Moreover, he was selected by the Department of Justice, Community Relations Service to work within the Dallas-Fort Worth Metroplex area with community members to provide education and training concerning policing issues including use of force, force continuum, and terry stops. Edwin has over 21 years of federal level experience managing law enforcement personnel and operations, including over 15 years as the resident agent in charge and assistant special agent in charge of the U.S. Environmental Protection Agency's Office of Inspector General, Office of Investigations.