



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Tentative Public Safety Committee

Chair Jessica Green (D-1)
Vice Chair James Peden (R-23)
Committee Member Barbara Shanklin (D-2)
Committee Member Barbara Sexton Smith (D-4)
Committee Member Mark H. Fox (D-13)
Committee Member Marilyn Parker (R-18)
Committee Member Madonna Flood (D-24)

Wednesday, October 14, 2020

3:30 PM

Council Chambers

Call to Order

Chair Green called the meeting to order at 3:00 p.m.

Roll Call

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

***NOTE: All committee members and non-committee members present attended virtually, except for Council Member Coan who attended in Chambers.**

Present: 7 - Chair Jessica Green (D-1), Vice Chair James Peden (R-23), Committee Member Barbara Shanklin (D-2), Committee Member Barbara Sexton Smith (D-4), Committee Member Mark H. Fox (D-13), Committee Member Marilyn Parker (R-18), and Committee Member Madonna Flood (D-24)

Non-Committee Members

Council Member Brandon Coan (D-8), Council Member Bill Hollander (D-9), and Council Member Kevin Kramer (R-11)

Support Staff

Alice Lyon, Jefferson County Attorney's Office
Hollie Hopkins, Jefferson County Attorney's Office

Clerk(s)

Sonya Harward, Clerk

Pending Legislation

1. [O-378-20](#)

AN ORDINANCE REQUIRING THE INCORPORATION OF CERTAIN LIMITATIONS ON POLICE USE OF FORCE INTO LOUISVILLE METRO POLICE DEPARTMENT POLICIES (AMENDMENT BY SUBSTITUTION) (AS AMENDED).

Sponsors: Primary Jessica Green (D-1) and Primary Brandon Coan (D-8)

Attachments: [O-378-20 V.3 CAM 101420 - New Policy on Police Use of Force.pdf](#)
[O-378-20 V.2 CABS-CAM 093020 - New Policy on Police Use of Force.pdf](#)
[O-378-20 PROPOSED CABS 092320 - New Policy on Police Use of Force.pdf](#)
[O-378-20 V.1 082020 - New Policy on Police Use of Force.pdf](#)
[O-378-20 LTR LMPD Review - Use of Force Restrictions \(003\).pdf](#)

A motion was made by Committee Member Sexton Smith, seconded by Committee Member Fox, that this Ordinance be recommended for approval.

The following spoke to this item:

- Chair Green
- Council Member Coan
- Chief Yvette Gentry, Louisville Metro Police Department
- Alice Lyon, Jefferson County Attorney's Office
- Committee Member Fox
- Committee Member Flood
- Committee Member Sexton Smith
- Committee Member Parker
- Council Member Hollander

The following was discussed:

- Meeting on Friday [October 9, 2020] between the sponsors of the legislation and Chief Gentry
- Reviewed the suggested changes based on Chief Gentry's recommendations, which were later approved as amendments
- Possibly waiting to pass an Ordinance regarding use of force until after a review was completed with input from stakeholders and the community
- Extensive discussion on who would be responsible if the Ordinance was violated by changing the Louisville Metro Police Department's ("LMPD") policy on use of force in a way that conflicts with the Ordinance without the Council's approval
- Having to come back to the Council to be able to change a policy
- Whether police policy needs to be codified and whether there were any benefits to doing so
- Codifying this policy possibly leading to others wanting to codify additional LMPD policies
- Whether LMPD was still CALEA (Commission on Accreditation for Law Enforcement Agencies, Inc.) certified, and CALEA's best practices that LMPD must maintain
- Not legislating policy and giving the LMPD Chief flexibility because things change so quickly
- Hierarchy of laws
- The language in the Ordinance and policy on use of force being compatible and identical
- A letter the Mayor sent to the state delegation in September asking that some of the laws in this Ordinance be passed as state laws and how it would be a conflict if the Mayor would not support them being local laws as well
- Some requirements in this Ordinance already being in place in the LMPD policy on use of force
- Other Ordinances the Council has passed that do not have penalties

A motion was made by Committee Member Sexton Smith, seconded by Chair Green, that this Ordinance be amended as follows:

- Delete the definition of "Chemical Agent"

- In Section 36.XX(B)(1), delete the following: "For purposes of restraint, department members shall not use chokeholds, strangleholds, vascular restraint, carotid restraint, chest compression, or any other tactic which applies pressure to the neck or throat that compromises or obstructs blood flow to the brain, or obstructs air flow and the ability to respire. Lifesaving cardiopulmonary resuscitation techniques are expressly permitted."

-In Section 36.XX(B)(1), add the following to replace the deleted language: "Choking techniques are only an approved force option in a situation where the use of deadly force would be allowed."

- In Section 36.XX(B)(3), delete "when reasonable under the totality of the circumstances" and replace it with "if feasible"

The motion to amend carried by a voice vote.

The motion to recommend for approval failed by the following vote and the Ordinance was sent to Old Business:

Yes: 3 - Green, Shanklin, and Sexton Smith

No: 4 - Peden, Fox, Parker, and Flood

2. [R-120-20](#)

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

Sponsors: Primary David James (D-6) and Primary Barbara Sexton Smith (D-4)

Attachments: [R-120-20 V.1 091720 Drug Testing for LMPD After Incidents.pdf](#)

This item was held in Committee.

Adjournment

Without objection, Chair Green adjourned the meeting at 3:59 p.m.

*NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on October 22, 2020.