

ORDINANCE NO. _____ ,SERIES 2020

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

SPONSORED BY: COUNCIL MEMBERS GREEN, COAN, AND SEXTON SMITH

WHEREAS, statistical analysis conducted by Campaign Zero indicates that if the combined use of force policies enumerated in this proposed ordinance were implemented nationwide, 72% fewer deaths would result than if none of the policies were in place; and

WHEREAS, more restrictive use of force policies have resulted in significant reductions in civilian deaths and injuries in cities across the United States; and

WHEREAS, in 1979 criminologist James Fyfe found that, in New York City, police officers were less likely to be killed or injured after that city implemented a more restrictive use of force policy; and

WHEREAS, more restrictive use of force policies are intended to improve community interactions with the police.

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

SECTION I. A new section of Chapter 36 of the Louisville Metro Code of Ordinances is created as follows:

Section 36.XX. Required policies; limitations on police use of force.

(A) For the purposes of this section of the Louisville Metro Code of Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Use of Force. Physical force used upon, or directed toward, the body of another person.

De-escalation. A desired outcome achieved by utilizing decision-making, communication, and tactics to resolve conflict or potential conflict, which is ethically based on the preservation of life and the avoidance of the use of force.

~~**Chemical Agent.** A departmentally approved less-lethal weapon, which consists of a chemical compound that irritates the eyes or skin to cause tears, discomfort, and a temporary loss of visual capacity.~~

(B) The Chief of Police shall incorporate the following requirements regarding the use of force in any policies, procedures, or regulations concerning the conduct of department members:

(1) ~~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 breathe. Lifesaving cardiopulmonary resuscitation techniques are expressly permitted. Choking techniques are only an approved force option in a situation where the use of deadly force would be allowed.~~

(2) Department members shall, when reasonable under the totality of the circumstances, attempt to resolve conflict or potential conflict through de-escalation techniques to decrease the likelihood that officers will resort to the use of force.

(3) Department members shall, ~~when reasonable under the totality of the circumstances~~ if feasible, give a clearly audible verbal warning before the use of deadly force.

(4) Department members shall, when reasonable under the totality of the circumstances, exhaust all alternative uses of force prior to using firearms.

(5) Department members shall act to prevent or stop any other officer, regardless of rank or assignment, from using unlawful, unnecessary, or excessive force.

(6) Department members shall not discharge their firearms either at, or from, a moving vehicle unless deadly force is being used against the officer or another person. The use of a vehicle by a civilian shall not be considered deadly force unless there is gunfire or other deadly force emanating from the vehicle or it is reasonable to believe the vehicle is intentionally being used to strike a person, a crowd, another vehicle or a building or structure with the intent of causing mass injuries, serious physical injuries, or the death of another person.

(7) Department members shall, based on facts known or facts an officer reasonably should know, utilize the lowest level of force reasonable to gain control of the subject.

(8) Department members shall report, through the chain of command, each use of physical force other than a control hold and each instance of pointing a firearm at another person.

~~(9) When mitigating civil unrest, department members shall not use chemical agents, including tear gas, unless it is reasonable to believe an individual~~

~~or a group of individuals is acting with the intent of causing physical injury or death to an officer or another person or persons, arson or rioting. When reasonable under the totality of the circumstances, department members shall give a clearly audible verbal warning prior to the use of chemical agents.~~

SECTION II: This Ordinance shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

O-378-20 Use of Force limits (Amend by Sub)(as amended) 10-14-20.docx