

RESOLUTION NO. _____, SERIES 2021

A RESOLUTION OF THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“COUNCIL”) TO RELEASE DOCUMENTS PERTAINING TO THE LMPD EXPLORER CASE.

SPONSORED BY: PRESIDENT DAVID JAMES

WHEREAS, events which have since become commonly referred to as the “Louisville Metro Police Department Explorer Sexual Abuse Case” (hereafter “LMPD Explorer Case”) began in 2015; and

WHEREAS, in 2017 certain individuals (hereafter “plaintiffs”) identifying themselves as “victims” of the LMPD Explorer Case brought suit against Louisville Metro Government for injuries; and

WHEREAS, in 2017 Mayor Fischer entered into a noncompetitively negotiated professional service contract with the law firm of Dickinson Wright PLLC to fully ascertain what had occurred within and around the Explorer Program; and this Council approved at the Mayor’s request appropriations by Resolutions No.’s 031 Series 2017 and 118, Series 2018, such contract and appropriations resulting, as this Council has been informed, in payments to Dickinson Wright PLLC, totaling \$147,243.23; and

WHEREAS, on June 28, 2018 Dickinson Wright PLLC released a redacted copy of Mr. Harvey’s report titled, “Louisville Metro Police Department Explorer Program Internal Investigation Final Report”; and

WHEREAS, as a result of the federal and state law enforcement investigations into the LMPD Explorer Case, indictments and convictions have been obtained against members of LMPD which had been identified as perpetrators in the LMPD Explorer Case and this Council is now informed that there are no longer any pending criminal charges

against those identified as perpetrators before the trial courts, leaving only the civil claims made by the plaintiffs; and

WHEREAS, counsel for plaintiffs have requested and sought as part of their litigation full, unredacted copies of the contract between Metro Government and Dickinson Wright PLLC, Letter of Engagement, Privilege Log and all documents referenced therein, communications initiated by Dickinson Wright PLLC, its attorneys and employees, documents listing no recipient, all communications and documents produced by Kerry Harvey, Esq., Dickinson Wright PLLC or any of its attorneys pertaining to the investigation and analysis of the LMPD Explorer Case; and

WHEREAS, counsel for the plaintiffs have requested any and all records held by the Mayor or the LMPD which had been identified by federal or state law enforcement authorities as having been relevant to any investigation conducted by them in the course of the criminal investigations which have resulted in convictions, and which have not been disclosed or delivered to plaintiffs' counsel as of the date of this Resolution; and

WHEREAS, the Council believes that claims of transparency and accountability by Mayor Greg Fischer have not been sufficient in this case as this administration continually attempts to exempt under attorney client privilege certain documents from being released; and

WHEREAS, the Council believes that the time has come for the complete findings from the LMPD Explorer Case to come to light, and settlements with the victims be reached.

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

SECTION I: The Council with this vote urges Mayor Fischer to approve the release of the requested documents to counsel for the plaintiffs and the general public.

SECTION II: The Council, as the body which authorized payment to Dickinson Wright PLLC, urges Dickinson Wright PLLC to provide copies of the requested documents to counsel for plaintiffs immediately.

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

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:
Jonathan S. Ricketts, Esq.
Conflict Counsel for the Louisville Metro Council

BY: _____
R-132-20