

ORDINANCE NO. _____ ,SERIES 2020

AN ORDINANCE REGULATING NO-KNOCK SEARCH WARRANTS, THE EXECUTION OF SEARCH WARRANTS, AND THE USE OF BODY CAMERA EQUIPMENT DURING IMPLEMENTATION OF ALL SEARCH WARRANTS, TO BE KNOWN AS BREONNA'S LAW. (AS AMENDED)

SPONSORED BY: COUNCIL MEMBERS SEXTON SMITH, GREEN, SHANKLIN, DORSEY, PURVIS, MCCRANEY, COAN, HOLLANDER, MULVIHILL, FOX, FOWLER, TRIPLETT, WINKLER, PIAGENTINI, GEORGE, FLOOD, YATES, BENSON, REED, PEDEN, KRAMER, ENGEL, PARKER, AND PRESIDENT JAMES

WHEREAS, reforms to the no-knock search warrant process will enhance safety for both the citizens of Louisville Metro Government and for the law enforcement officers who protect them; and

WHEREAS, specific restrictions and limitations on the use of no-knock warrants are clearly required; and

WHEREAS, judges will be aided by narrowly drawn and specifically supported no-knock warrant applications; and

WHEREAS, checks and balances are required in the review and certification of no-knock warrant applications; and

WHEREAS, the public is entitled to know the role, scope, and effect of no-knock warrants being executed by Louisville Metro Police Department; and

WHEREAS, the use of body camera equipment facilitates transparency in the execution of any search warrant by Louisville Metro Police Department.

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. Definitions. For the purpose of Chapter 36 of the Louisville Metro Code of Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

No-knock search warrant: A search warrant authorizing police officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the premises. Such warrants may also be referred to as dynamic entry warrants.

Special Weapons and Tactics (SWAT) team: A team of law enforcement officers who are specifically trained and equipped to work as a coordinated team to respond to critical incidents including, but not limited to, hostage takers, barricaded suspects or other incidents that may involve a threat to human life where specialized training or equipment could be utilized, regardless of the name an agency gives to such a team.

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

Section 36.XX. Requirements to seek a no-knock search warrant.

(A.) No LMPD officer shall seek a no-knock search warrant unless the warrant application includes:

- (1) All documentation and materials the issuing court requires; and
- (2) A completed Warrant Application Form as provided in Section 36.XX.

(B.) No-knock warrants may only be sought in cases involving imminent threat of harm or death to law enforcement and/or to civilians, which shall be limited to the following offenses: murder, hostage taking, kidnapping, terrorism, human trafficking, sexual trafficking and suicide.

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

Section 36.XX. Warrant Application Form.

(A) The LMPD shall create a Warrant Application Form. A completed Warrant Application Form shall accompany every request for a no-knock search warrant.

(B) The Warrant Application Form must be completed, signed, and dated by the officer seeking the no-knock search warrant.

(C) Each Warrant Application Form must explain, in detailed terms, the following:

1. Why officers are unable to detain the suspect or search the residence using less invasive means or methods;
2. What investigative activities have taken place to support issuance of the no-knock search warrant, or why no such investigative activity is needed;
3. Whether the warrant can be effectively executed during daylight hours and, if not, what facts or circumstances preclude its effective execution during daylight hours.

(D) The LMPD Chief of Police or his designee, who shall under no circumstances be of a rank lower than Major, and the SWAT Team commanding officer must review each Warrant Application Form. If the SWAT Team commanding officer is unavailable, the SWAT Team commander officer's direct superior officer shall review the materials.

(E) The Warrant Application Form shall contain a Certification of Review section.

The Form shall provide that, by executing the Certification, the individual signing the form has reviewed its contents and approves the request for a no-knock search warrant. The LMPD Chief of Police or his designee, who shall under no circumstances be of a rank lower than Major, and the SWAT Team commanding officer, or the commanding officer's direct superior officer, must each sign, date and indicate the time of the Certification.

~~(F) In no event shall a no-knock search warrant be approved when the only criminal activity alleged is drug possession.~~

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

Section 36.XX. Reporting requirements regarding no-knock search warrants.

LMPD shall report quarterly to Metro Council regarding its use of no-knock search warrants. The reports shall include the following data:

(A) the number of no-knock search warrants LMPD requested;

(B) the number of no-knock search warrants the courts issued;

(C) the number of no-knock search warrants LMPD executed;

(D) the number of injuries and fatalities suffered, if any, by police officers and by civilians in the execution of no-knock search warrants, and the geographic locations of all no-knock search warrants.

(E) The Public Safety Committee shall review all no-knock warrants on a quarterly basis.

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

Section 36.XX. Execution of search warrants.

(A) A police officer or any other law enforcement or public safety official charged with execution of any search warrant may be accompanied only by such other persons as may be reasonably necessary for the successful execution of the warrant with all practicable safety.

(B) In all cases other than those involving no-knock warrants, the executing officer, shall, before entering the premises, give appropriate audible and written notice of the identity, authority and purpose of the officer to the person to be searched, or to the person in apparent control of the premises to be searched, as the case may be.

(C) In those cases involving no-knock warrants:

(1) SWAT team officers only shall conduct activities necessary to breach, enter, and secure the premises.

(2) All SWAT team officers who execute a no-knock search warrant shall have successfully completed training in breach and call-out entry procedures.

(3) The executing officer shall, after breach and before entering the premises, give appropriate audible notice of the identity, authority and purpose of the officer to the person to be searched, or to the person in apparent control of the premises to be searched, as the case may be.

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

Section 36.XX. Use of body cameras in the execution of search warrants.

- (A) All LMPD officers present in the execution of a warrant shall be equipped with an operating body camera.
- (B) No later than five minutes prior to all warrant executions, each officer on the premises must activate their body camera recording equipment and may not deactivate the equipment any sooner than five minutes following the completion of the execution ~~on~~ of the warrant.
- (C) All recorded data must be retained for ~~up to seven days~~ five years following an executing action and must be preserved longer upon request.

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

The provisions of Chapter 36.XX–36.XX of the Louisville Metro Code of Ordinances shall be known as Breonna’s Law.

SECTION ~~VII~~ VIII: 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: _____
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