ORDER NO. 003, SERIES 2020

AN ORDER TO INVESTIGATE THE ACTIONS AND INACTION OF THE ADMINISTRATION SURROUNDING THE DEATH OF BREONNA TAYLOR, THE DEATH OF DAVID MCATEE, AND RELATED PROTESTS IN LOUISVILLE METRO

SPONSORED BY: GOVERNMENT OVERSIGHT AND AUDIT COMMITTEE CHAIR BRENT ACKERSON AND VICE CHAIR ANTHONY PIAGENTINI

WHEREAS, in the early morning hours of March 13, 2020, Breonna Taylor was shot and killed inside her home by the Louisville Metro Police Department (LMPD), part of Louisville Metro Government, and which reports to the Mayor;

WHEREAS, during a subsequent night of protests in Louisville Metro, David McAtee was shot and killed at his place of business by a Kentucky National Guard soldier working alongside LMPD;

WHEREAS, the protests sparked law-enforcement responses and actions that included the lethal use of force, projectile weapons, rubber bullets, pepper balls, tear gas, other chemical agents, and other techniques;

WHEREAS, much critical information about the planning, training, communication, and execution of no-knock search warrants that led to the raid of Breonna Taylor's home and her death has been withheld from the public citing ongoing investigations;

WHEREAS, information surrounding the planning, coordination, training, and execution of responses by activated National Guard personnel working in concert with LMPD has been withheld from the public citing ongoing investigations;

WHEREAS, the uncertainty of these months-long investigations with no additional information afforded the families or the public has sown distrust, unrest, and damage to our social fabric, the confidence in government, and general community morale;

WHEREAS, Metro Council and the public at large seek to better understand these events and surrounding circumstances by examining the role of, decisions made by, and orders given by any officers of the consolidated local government and any board or commission described in KRS § 67C.103(13)(f), including but not limited to Mayor Greg Fischer, his leadership team, and his administration (the "Administration") and LMPD by and through its agents; ;

WHEREAS, Metro Council and the citizens of Louisville demand a transparent, public process whereby the truth of these events comes to light and critical missing information is revealed to help resolve the aforementioned issues and omissions;

WHEREAS, under KRS § 67C.103(13)(f), the Legislative Council of the Louisville/Jefferson County Metro Government ("Metro Council") shall have the power to "[m]ake independent audits and investigations concerning the affairs of the consolidated local government";

WHEREAS, Metro Council will investigate these concerns regarding the Administration in the Government Oversight and Audit Committee ("GOAC") utilizing powers set forth in KRS § 67C.103(14); and;

WHEREAS, at the completion of the GOAC investigation, GOAC will report findings of fact so the Metro Council may take legislative action and/or make recommendations for any changes in Administration or LMPD policies, procedures, and processes for investigations, reporting, and disciplinary action.

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

SECTION I: Louisville Metro Council, through the Government Oversight and Audit Committee, hereby initiates an investigation into the actions and inaction of the Administration leading to the no-knock search warrant and subsequent shooting death of Breonna Taylor, the shooting death of David McAtee during protests in Louisville Metro, and the planning and response to protests and destructive activity in Louisville Metro following these deaths. The scope of this investigation shall include, but not be limited to:

- Working with any counsel for GOAC/Louisville Metro Council, and/or its designated investigator.

- Exploring the documented and undocumented actions and inactions of officers of the consolidated local government and any board or commission described in KRS § 67C.103(13)(f), including but not limited to Mayor Greg Fischer, his leadership team, and his administration (the "Administration") and LMPD by and through its agents that led to the search warrant execution and shooting death of Breonna Taylor on March 13, 2020.

- Identifying, requesting, and publishing all relevant documents, policies,

processes, and practices which were in place at Louisville Metro Government and impacted or described the death of Breonna Taylor and David McAtee.

- Identifying any shortcomings in training, policy, or control systems that led to the execution of a no-knock warrant at Breonna Taylor's home in the middle of the night, and the death of Breonna Taylor.

- Identifying any errors or omissions in following procedures, best practices, and follow-up decisions made by the Administration and LMPD in relation to the death of Breonna Taylor.

- Identifying any errors or omissions in following procedures, best practices, and follow-up decisions made by the Administration and LMPD in relation to the death of David McAtee.

- Exploring the actions and inaction of the Administration and LMPD in response to protesting occurring in Louisville Metro following the death of Breonna Taylor.

- Interviewing persons and obtaining information relevant to the foregoing public concerns, utilizing where necessary, the subpoena authority set forth in KRS 67C.103(14)(e).

SECTION II: The Government Oversight and Audit Committee will conduct the investigation into the Administration, its actions and inaction regarding the death of Breonna Taylor, the death of David McAtee, and law enforcement actions responding to protests in Louisville Metro with the legislative power contained in KRS §§ 67C.103(13)(f), 67C.103(14), and according to Metro Council Rule 4A.04(b).

SECTION III: The Government Oversight and Audit Committee Chair shall have the power to issue subpoenas and compel testimony pursuant to KRS §§ 67C.103(14)(e) and Metro Council Rule 4A.04(b) during regular or special meetings of the Committee.

SECTION IV: This Order shall take effect upon its passage.

Sonya Harward
Metro Council Clerk

Brent Ackerson, Chair
Government Oversight and Audit Committee

July 14, 2020
Approved Date

LOUISVILLE METRO COUNCIL
ADOPTED
July 14, 2020

APPROVED AS TO FORM AND LEGALITY:

Jonathan Ricketts

BY: _____

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