



OFFICE OF THE MAYOR
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

October 8, 2020

Dear Members of the Metro Council,

Please accept this letter, accompanying the unsigned resolution that Metro Council passed on September 17, 2020, as an effort to provide context reflecting our current times. As 2020 began, Louisville had experienced a near decade of renaissance with billions of new investment, thousands of new jobs and businesses, and new growth opportunities across all the neighborhoods of our city. But 2020 brought many challenges: the ongoing COVID-19 pandemic, the economic downturn, an increase in violent crime, and the cries for racial justice fueled by the tragic death of Louisvillian Breonna Taylor.

Last month, Council passed a resolution calling on me to take a number of steps to address these challenges. Here is some of the recommended work that is already underway or complete:

- I have engaged the Council and other community partners in many ways, including the creation of the joint Civilian Review Board work group and an agreement to establish an Office of Inspector General; the ongoing top-to-bottom review of the Louisville Metro Police Department (LMPD); and the search for a new police chief.
- Council recommended an effort to incentivize LMPD officers to live in Jefferson County. On Sept. 15, I announced the creation of a program to incentivize officers to live in certain low-income neighborhoods in Jefferson County, designed to improve community/officer relationships and create a pathway to home ownership.
- We are aligned on the need for more affordable housing, as reflected in my administration appropriating a record \$56 million in general fund dollars for related initiatives over the past several budgets.
- Council urged me to conduct and publish a study of our employee demographic make-up. This is already done in an annual report to the federal Equal Employment Opportunity Commission. And through our Office for Equity, we use an equity toolkit that provides us with a roadmap to evaluate our policies and initiatives through an equity lens.
- I agree we will not make significant progress without state legislative changes. That's why dismantling systemic racism and reimagining public safety are at the core of my administration's 2021 state legislative agenda. Please find attached a letter to our legislative delegation that outlines many of our priorities.

- Council mentions the need for a new contract with the Fraternal Order of Police (FOP). This week a resolution was filed with Council to confirm a new short-term contract with FOP to run through June 30, 2021. River City FOP Lodge and Metro Government have also committed to begin negotiating a new agreement no later than January 31, 2021, which will be reflective of the continued community discussion and need for reform, including possible new and/or amended state laws.
- During my entire time in office I have always made staff available to Council and will continue this practice, with the exception when we are dealing with litigation. Further, there has always been a full-time staff member in the Mayor's Office whose sole job is to work with the Council. I have further promoted transparency by regularly holding media briefings to keep the public informed about our actions. During this global pandemic, we have moved many of these briefings online in an effort to keep people safe from the virus. In these briefings, the media has the opportunity to ask questions.

In addition to the steps Council has called for, LMG has also taken numerous other steps in the wake of Ms. Taylor's tragic death. These include:

- New LMPD leadership: A national search for a new permanent chief has been launched, a process that has included input from thousands of community members.
- Calling for independent investigations into her death and certain Officer-Involved Shooting (OIS): Beginning with the death of Ms. Taylor, I called upon both the Attorney General and the FBI to conduct independent reviews of the investigation, and the FBI to conduct its own investigation. Moving forward, in order to provide additional independence in OIS incidents where a person is injured or killed, the Kentucky State Police will lead an independent investigation of the incident.
- Reforming the search warrant process: On May 29, 2020, I suspended no-knock warrants, and then Council and I worked together to end them permanently with the passage and signing of Breonna's Law in June; the law also requires the use of body cameras in the execution of all search warrants. Additionally, as part of the settlement with Ms. Taylor's estate, LMPD amended its Standard Operating Procedure (SOP) on search warrants in multiple ways to provide more accountability and oversight.
- Implementing police accountability measures: As part of the aforementioned settlement, LMPD modified its SOP with additional protocols on the seizure of currency; committed to negotiating with the FOP in 2021 to expand the records LMPD may maintain in police officers' personnel files; expanded random drug testing of officers; updated its Public Standards Unit investigation process for cases when a police officer separates from LMPD prior to the completion of an investigation they are involved in; and agreed to implement an early warning system that tracks all use of force incidents, citizen complaints, investigations and other key factors.
- Creating programs to build stronger community relations: As part of the settlement, in addition to the aforementioned housing incentive program, LMPD officers will be able to use two hours a pay period, during their regular work shift to volunteer at an organization in the community they serve.
- Additional reforms to reimagine public safety: As part of the settlement, LMPD commits to retaining social workers at LMPD for officer support and assistance on dispatched runs that would benefit from a social worker's presence. In addition, LMPD changed policies on tear gas usage and duty to intervene.

And, in addition to these public safety reforms, we have taken other recent steps to create opportunity and pursue the cause of racial justice, including:

- With the Metro Council, we allocated \$21.2 million in FY21 to combat homelessness through rental support and \$27.6 million for small business recovery support. We also allocated \$1 million to fund new efforts to support youth who are not in school or working.
- We raised \$11 million with community partners to support households hardest hit by the pandemic. The most recent round of funding went to non-profits that provided direct services to Black residents, had Black leadership, or both. In addition, I worked with community partners to raise \$1.3 million to support hundreds of jobs for those ages 16-21, plus new tech training and a new Fellowship for Civic Engagement.
- I signed an executive order to establish an Equity in Contracting and Procurement Task Force that will work to close the community's wealth gap by supporting Black-owned and Minority-, Female- and Disabled-owned Business Enterprises (MFDBE) through supplier diversity initiatives.
- We launched a complete review of our Land Development Code to identify and address land use regulations and policies that have inequitable impacts on Louisville residents.
- And, because symbols matter, this year, after a lengthy court battle, I removed the monument of John Breckinridge Castleman, who served the Confederacy, and I ordered that Juneteenth, which commemorates the end of slavery, be an official city holiday with paid time off for municipal workers.

While this isn't everything, it is a lot of work – done by my administration, Metro Council, community partners, and countless others. But I recognize that it is not enough – not nearly enough to tackle our challenges. The work ahead, and the Council resolution, also require a substantial financial commitment that we will need to work together to resolve.

With the resolution passed on September 17, Metro Council voiced its displeasure about how I've handled some of our challenges and made clear that I need a more productive relationship with all of the Council. To move forward, we need to pull together and I certainly pledge to work on this issue.

History tells us that moments of transformation are rare. Let's seize this moment and show the world what we already know – that we have the combination of wisdom, courage and compassion to be that community that takes itself from this time of challenge to transformation.

Sincerely,



Mayor Greg Fischer



OFFICE OF THE MAYOR
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

September 10, 2020

Open Letter to Jefferson County Legislative Delegation, House and Senate Leadership

TRANSMITTED ELECTRONICALLY

Dear Members of the Kentucky General Assembly:

I am writing following recent comments made by Senate Majority Leadership and Governor Andy Beshear to let you know that I energetically support the call for a 2020 Special Session of the General Assembly— or a publicly vetted package of legislation ready to be acted in the first weeks of the 2021 legislative session.

Cities across the nation are facing many challenges right now – the COVID-19 pandemic, an increase in violent crime, an economic downturn and renewed calls for racial justice. Louisville does need support, and we need resources. We have now surpassed more than 100 days of protests for racial justice, and while we had violence and destruction of property in the early days, we have successfully had weeks of generally peaceful protests.

And, as we prepare for and await a decision in the Breonna Taylor case by Attorney General Daniel Cameron, we aren't waiting to identify, implement and advocate for the larger policy changes we must make to address systemic racism. My staff and I are working diligently to identify specific changes to state statutes, local ordinances, and agency policies that will enhance public safety, cultivate trust among disenfranchised communities and local government, and position all Louisville residents, regardless of zip code, on a path to economic recovery. We have started locally, working with the Louisville Metro Council to ban the use of no-knock warrants; require the use of body-worn cameras when executing any search warrants; and our Civilian Review Board Work Group will be soon making a final recommendation for a draft Ordinance to present for Metro Council's consideration.

I am grateful for the resources Governor Beshear and his team have already provided, as well as the support we have received from the legislature in the past. Under unprecedented circumstances this past session, your dedication to the people of this Commonwealth overcame every obstacle and you passed a budget, a revenue plan, a road plan, and, specific to Louisville, vital financial support for the University of Louisville hospital and the pension freeze.

WWW.LOUISVILLEKY.GOV

LOUISVILLE METRO HALL 527 WEST JEFFERSON STREET LOUISVILLE, KENTUCKY 40202 502.574.2003

We turn to you again, advocating for legislation that reimagines public safety, dismantles systemic racism and advances economic inclusion. I hope the following are legislative proposals, put forward by community leaders and my team, and discussed with some of you, that would be included on a special or general session agenda:

Reimagining Public Safety

- Allow local jurisdictions to create Civilian Review Panels with subpoena power.
- Create a statewide officer-involved shooting investigative team to review all such incidents.
- Amend KRS 67C to increase accountability and transparency in law enforcement, including allowing police departments and public officials to discuss pending internal disciplinary cases.
- Ban the use of no-knock warrants statewide and require the use of body-worn cameras when executing all search warrants, just as Louisville Metro has done in adopting Breonna's Law.
- Require all police departments to use body cameras, encourage transparency in release of video, and provide state funding for purchase of equipment and data storage.
- Create new laws, policies and state funding streams to promote mental wellness among officers, including making it a crime to attempt to "blind" an officer with a "laser light device" and criminalizing the practice of "doxing" (maliciously publishing the personally identifying information of) a public official.
- Fund a new cadre of "first responders" from the social work and mental health fields to work in concert with officers to handle many of the emergency responses where a sworn officer is not the best 'first' solution to aide a person(s) in need.
- Fund violence prevention and intervention efforts to interrupt the cycle of violence and engage youth in productive activities.
- Ban the use of chokeholds, neck restraints, strangleholds, and weight on subject's necks unless necessary to save the life of an officer or another person. (This is current LMPD policy.)
- Require all police departments to train on de-escalation techniques, as LMPD does.
- Require officers to act to prevent or stop any member, regardless of rank or assignment, from using unlawful or excessive force; intervention may be verbal and/or physical. (Current LMPD policy.)
- Ban shooting at moving vehicles except in situations where officers are returning gunfire to save a human life or prevent a vehicle ramming attack. (This is current LMPD policy.)
- Require comprehensive reporting and public release of documentation when officers use force.

Dismantling Systemic Racism

- Create legislation that seeks to educate about and promote racial and ethnic equity, including laws that enact equity impact reviews.
- Enhance initiatives to assist with post-incarceration re-entry to our communities.
- Pass laws to allow mail-in ballot option for all for every election, early voting expansion, and other initiatives to ensure everyone has an opportunity to vote.

- Enhance the restoration of voting rights to those who have paid their debt to society by allowing them to participate in our electoral processes.
- Declare racism as a public health crisis in Kentucky, and support initiatives to recognize and correct health disparities throughout the Commonwealth.
- Require state review of education standards to include a thorough history of slavery, racism, and racist practices in the U.S. and ensure anti-racist standards, curriculum, and textbooks/course material no later than the 2021-2022 school year.

Advancing Economic Inclusion

- Begin the discussion on changes to insurance rate setting policies to eliminate any processes that create disadvantages among residents in historically disinvested neighborhoods and, specifically, to provide affordable property and casualty insurance rates in these neighborhoods.
- Pass legislation to expand the tools currently available to cities to address vacant and abandoned properties, including creating conservatorships for rehabilitation of qualifying areas.
- Increase funding and policy solutions to meet the growing demands for affordable housing.
- Increase funding to provide down payment assistance and other support to increase home ownership rates in historically disadvantaged populations.
- Pass legislation to create tenant protections that address unjust evictions.
- Support investment without displacing current residents in historically disinvested neighborhoods.

The sense of urgency coming from the Governor and Senate Majority Leadership this past week is encouraging. I share that enthusiasm and thank you for pushing this forward and offering state assistance to our community. I am hopeful that a stronger dialogue can begin, and I stand ready to do this work with you. I welcome and look forward to any opportunity to meet with each of you to discuss these specific recommendations. Thank you for all you continue to do for the people of Kentucky.

Sincerely,



Greg Fischer

cc: Governor Andy Beshear

RESOLUTION NO. 096, SERIES 2020

A RESOLUTION OF THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT EXPRESSING CONCERNS IN THE LEADERSHIP OF MAYOR GREG FISCHER AND URGING IMPROVED PARTNERSHIP WITH METRO COUNCIL TO ADDRESS THE ISSUES AFFECTING THE CITY OF LOUISVILLE (AMENDMENT BY SUBSTITUTION).

SPONSORED BY: COUNCIL MEMBERS WINKLER, KRAMER, BENSON, ENGEL, PARKER, REED, PIAGENTINI, AND PRESIDENT JAMES

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government ("Council") believes the number one priority of Louisville Metro Government is to ensure the safety of all its residents; and

WHEREAS, the Council recognizes significant issues of racial and social inequity exists across our community and our nation that must be proactively addressed; and

WHEREAS, the Council believes that claims of transparency by Mayor Greg Fischer and the Administration have not been sufficiently supported through the actions of the Administration including disciplining those that have sought to punish whistle blowers in Metro Government; and

WHEREAS, the Council believes that Mayor Greg Fischer failed to hold leadership of the Louisville Metro Police Department ("LMPD") properly accountable thereby contributing to the civil unrest; and

WHEREAS, the Council believes that the time has come for systemic changes at the LMPD and finalization of the Fraternal Order of Police ("FOP") contract; and

WHEREAS, the number of homicides reported by LMPD continues to rise; and

WHEREAS, communication and partnership by and between Mayor Greg Fischer and the Council have not been sufficient; and

WHEREAS, concern exists with the selection and management by the Administration of Boards and department leadership; and

WHEREAS, not enough effort has been made to ensure the make-up of Metro Government represents the demographics of Louisville Metro; and

WHEREAS, the Council has authorized an investigation into the actions of the Administration and has a legislative and moral obligation to ensure that investigation is completed publicly; and

WHEREAS, the Council recognizes the challenges in balancing the diverse and sometimes conflicting interests of the residents of Louisville Metro; and

WHEREAS, the Council recognizes that the issues currently faced in Louisville Metro are exacerbated by the divisions that are being sown by national politicians; and

WHEREAS, the Council recognizes the progress that has been made by launching the top to bottom review of LMPD; naming Yvette Gentry as interim police chief; implementing policy changes at LMPD in regards to duty to intervene, mandatory use of body cameras and use of tear gas; budgetary investments in housing, vacant and abandoned property, code enforcement, eviction prevention and, small business investments; and

WHEREAS, that healing our community needs can only be accomplished through compassion, dialogue, unity, and equity.

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 expresses its concern/no confidence in the leadership demonstrated by Mayor Greg Fischer.

SECTION II: In order to restore trust between the residents of Louisville Metro and its government and to ensure the safety and equality of all its residents, the Council urges Mayor Greg Fischer to:

(A) Advance policies for social and racial equity by evaluating all policies through an equity lens.

1. Proactively engage the Council, business community and the non-profit sector to address key issues in our society such as policing policy, social inequality, environmental inequality, and economic inequality.

2. Continue to advance policies that promote home ownership without displacement, and wealth building in our most impoverished census tracts. Develop and present a plan to Council that outlines:

a. Strategies to aggressively increase the number of affordable housing units across Jefferson County.

b. Reduce/freeze property taxes to protect long-time residents in areas at risk of gentrification.

c. Limit large-scale development in at-risk neighborhoods unless the development is black-owned and affordable for residents in the at-risk area.

d. Create a stabilization voucher program for homeowners in at-risk neighborhoods to retain low-income residents and avoid displacement.

e. Aggressively lobby for eviction prevention reform with members of both parties of the Kentucky General Assembly.

3. Create budgets in 2021 and 2022 that support these objectives and defines clearly measurable goals and outcomes and provide quarterly reporting against those goals.

(B) Champion reform by demanding action in Frankfort to address systemic racial and socioeconomic inequity in the criminal justice system.

(C) By 12/31/20, develop a plan/task force to address and reduce the rising rates of homicides across Jefferson County.

(D) Demonstrate a total commitment to transparency, through words and actions.

1. Work with the Kentucky Attorney General to ensure that the complete investigative findings into the killings of Breonna Taylor, David McAtee and subsequent civil unrest are detailed to the public shortly after the conclusion of the investigation(s). These should include a review of the events, the decisions that led to those events, and a review of policies that need to be changed to ensure those events are never repeated. Allow for a detailed question and answer session by members of the Council and the media.

2. Willingly make available any and all Metro staff and cooperate fully with the Council's investigation.

3. Provide a public accounting of all pending Public Integrity Unit ("PIU") and Professional Standards Unit ("PSU") investigations and ensure their expedient resolution whenever possible.

4. Conduct future press briefings in person to enable unfiltered questioning from the media.

(E) Complete the top to bottom review of the Louisville Metro Police Department (“LMPD”) by 12/31/20. Engage the public in review of policies; personally push state leaders on both sides of the aisle for reforms. Institute policies that change the culture of LMPD, promote community engagement, and support officers who identify and report potential peer misconduct. Include the Council President, Chair and Vice Chair of the Public Safety Committee and one private citizen at large on the hiring committee for the new Police Chief.

(F) Finalize the Fraternal Order of Police (“FOP”) contract by 12/31/20 to ensure Louisville Metro Government can attract and retain the best police officers and hold them fully accountable for their job performance. Institute proactive recruiting practices to ensure the demographic make-up of LMPD represents the diversity of Louisville Metro by 11/1/2022. Create a program to incentivize LMPD officers to live in Jefferson County.

(G) Continue to balance First Amendment rights with a focus on the protection of life and property through improved police training and response.

(H) Immediately develop a plan to improve communications and collaboration with the Council. This includes inclusion in the planning phases of key initiatives, consultation on major personnel decisions, and regular engagement with individual Council members.

(I) Immediately conduct a review of all leadership appointments, including feedback from the Council, and remove and replace those not adequately serving the Louisville Metro Government in a manner that meets expectations by 12/31/2020.

(J) Conduct and publish a study of Metro Government’s employee demographic make-up. Implement proactive processes to recruit and hire new staff that represents the

diversity of Louisville Metro by 12/31/2021. Provide quarterly updates to the Council on progress.

(K) By 12/31/20, develop a plan to significantly enhance Code Enforcement activity by prioritizing high impact areas and proactively searching for and addressing code violations versus being dependent upon resident complaints. Identify additional opportunities to promote cleanliness across the city through implementation of a second impound lot not in West Louisville, additional graffiti abatement, additional enforcement of illegal dumping violations and public private partnerships that promote urban beatification.


(L) Implement programs that prioritize infrastructure spending across the county by need.

(M) With the approval of the Council, hire a Louisville Metro Ombudsman and Community Relations Director to address online complaints, work with social and civic organizations, and collaborate with protestors to establish solutions for addressing perceived or actual injustices. Provide regular engagement with the community and foster connections between the community and division chiefs, public officials and others to discuss key issues and build relationships. Develop an early warning system to escalate concerns within the community that might lead to civil unrest.


(N) Create and hire a director-level position within Louisville Forward with a concentration in economic development within disadvantaged or at-risk areas of the community. Direct Louisville Forward to develop an incentive program to spur investment without displacement in our most impoverished neighborhoods.

SECTION III: The Council stands ready as a co-equal branch of government to work with Mayor Greg Fischer and the Administration to advance these policies for the benefit of all residents of Louisville Metro. Failure to advance these objectives will result in further actions by the Council.

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



Sonya Harward
Metro Council Clerk



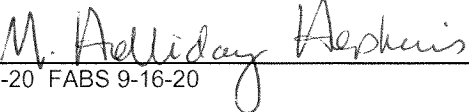
David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:
Michael J. O'Connell
Jefferson County Attorney

LOUISVILLE METRO COUNCIL
ADOPTED
September 17, 2020

BY: 

R-110-20 FABS 9-16-20