

ORDINANCE NO. 014, SERIES 2021

AN ORDINANCE AMENDING CHAPTER 36 OF THE LOUISVILLE METRO CODE OF ORDINANCES ("LMCO") RELATING TO THE CIVILIAN REVIEW AND ACCOUNTABILITY BOARD AND THE OFFICE OF INSPECTOR GENERAL BY CLARIFYING MEMBERSHIP AND THE COMPLAINT PROCESS.

SPONSORED BY: COUNCIL MEMBERS PAULA McCRANEY, BILL HOLLANDER, AND PRESIDENT DAVID JAMES

WHEREAS, Louisville Metro Council and Louisville/Jefferson County Metro Government recognize that the Louisville Metro Police Department derives its moral and social character from the community at large, including those in the community who serve in law enforcement; and

WHEREAS, retired and former law enforcement officers from LMPD are eligible to serve on the Civilian Review & Accountability Board if three years have passed since their separation from a law enforcement agency; and

WHEREAS, current members of LMPD have the same access to the Office of Inspector General as any other persons; and

WHEREAS, Louisville Metro Council wishes to make those factors abundantly clear to all.

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

SECTION I: LMCO § 36.72 is hereby amended as follows:

(A) In order to serve on the Civilian Review and Accountability Board, persons must have resided in Jefferson County for a minimum of 180 days prior to their nomination to join the Board, and must remain continuously domiciled within Jefferson County for the duration of their term.

~~(B) (1) No current Louisville Metro employees shall be eligible to serve on the Board. A maximum of one former or retired Metro employee who was not previously employed by LMPD may serve at any one time.~~

(2) ~~(B) (1) (a)~~ No current employees of LMPD or other law enforcement agencies, either sworn or civilian, shall be eligible to serve on the Board.

~~(3) (b)~~ Retired or former employees of LMPD or other law enforcement agencies, either sworn or civilian, may serve on the Board if three years have passed since their separation from a law enforcement agency. A maximum of one retired or former employee of a law enforcement agency may serve at any one time.

~~(4) (c)~~ No family members of current employees of LMPD or other law enforcement agencies shall be eligible to serve on the Board.

(5) ~~(2) (a)~~ No currently-elected officials shall be eligible to serve on the Board.

~~(b)~~ Former elected officials may serve if three years have passed since they last held elective office. A maximum of one former elected official may serve on the Board at any one time.

~~(3) (a) No current Louisville Metro employees shall be eligible to serve on the Board.~~

~~(b) Retired or former Louisville Metro employees who were not employees of law enforcement agencies may serve on the Board immediately after separation from~~

Metro employment. A maximum of one retired or former Metro employee who was not an employee of law enforcement may serve at any one time.

(C) The eligibility of nominees shall be verified by the Mayor's staff responsible for Metro boards and commissions.

(D) Nominees are subject to a state criminal background check.

SECTION II: LMCO § 36.83 is hereby amended as follows:

(A) Pursuant to division (B) of this section, the Inspector General shall investigate complaints involving any interactions between any member of the Louisville Metro Police Department and any member of the public that involve the following types of conduct by members of LMPD:

(1) The serious injury or death of any individual in police custody;

(2) The serious injury or death of any individual resulting from police action or inaction;

(3) Abuse of police authority;

(4) Excessive use of force;

(5) Discrimination in the provision of police services; or

(6) Sexual misconduct.

(B) (1) The Inspector General shall obtain complaints, either sworn or unsworn, on conduct specified in division (A) of this section from sources including but not limited to the following:

(a) The LMPD Professional Standards Unit and the Public Integrity Unit;

(b) The anonymous Ethics Tip Line established in LMCO Chapter 39;

(c) Office of Internal Audit of Louisville/Jefferson County Metro Government;

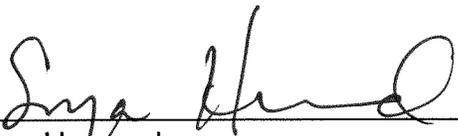
(d) The Police Ombudsman at the Human Relations Commission; or

(e) Direct reference of complaints, whether anonymous or non-anonymous, to the Office of Inspector General or members of the Civilian Review and Accountability Board from citizens, members of LMPD, or from other Metro offices and departments.

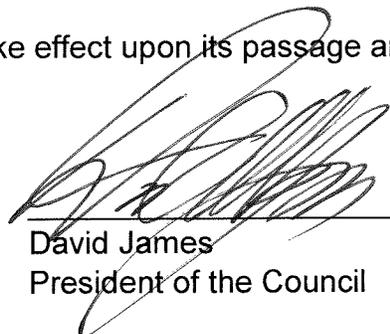
(2) The Inspector General shall establish a process to evaluate the merits of a complaint, conduct an initial screening and prioritization of complaints, and present recommendations to the Civilian Review and Accountability Board regarding whether a complaint merits a full investigation pursuant to this Section. Beyond any preliminary investigation necessary to evaluate the merits of a complaint, the Inspector General shall not continue to investigate complaints without authorization from the Board.

(C) Upon the conclusion of a complaint investigation, the Inspector General shall have the authority to make recommendations to and share investigative findings with the Chief of Police, the Commonwealth Attorney, the County Attorney, the Federal Bureau of Investigation, the Internal Auditor, the Metro Ethics Commission, the Civilian Review and Accountability Board, or other appropriate bodies based on the results of the complaint investigation and the judgment of the Inspector General.

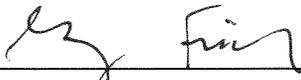
SECTION V: This Ordinance shall take effect upon its passage and approval.



Sonya Harward
Metro Council Clerk



David James
President of the Council

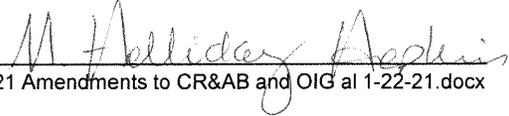


Greg Fischer
Mayor

2-18-21
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: 
O-018-21 Amendments to CR&AB and OIG at 1-22-21.docx

LOUISVILLE METRO COUNCIL
READ AND PASSED
February 11, 2021