



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Final Public Safety Committee

Chair Jessica Green (D-1)
Vice Chair James Peden (R-23)
Committee Member Barbara Shanklin (D-2)
Committee Member Barbara Sexton Smith (D-4)
Committee Member Mark H. Fox (D-13)
Committee Member Marilyn Parker (R-18)
Committee Member Madonna Flood (D-24)

Wednesday, November 11, 2020

3:30 PM

Council Chambers

Call to Order

Chair Green called the meeting to order at 3:33 p.m

Roll Call

Chair Green introduced the committee members and non-committee members present. A quorum was established.

***NOTE: All committee members and non-committee members present attended virtually, except for Committee Member Fox who was present in Chambers.**

Present: 7 - Chair Jessica Green (D-1), Vice Chair James Peden (R-23), Committee Member Barbara Shanklin (D-2), Committee Member Barbara Sexton Smith (D-4), Committee Member Mark H. Fox (D-13), Committee Member Marilyn Parker (R-18), and Committee Member Madonna Flood (D-24)

Non-Committee Member(s)

Council Member Keisha Dorsey (D-3); Council President David James (D-6); Council Member Paula McCraney (D-7); Council Member Bill Hollander (D-9); Council Member Kevin Kramer (R-11); and Council Member Cindi Fowler (D-14)

Support Staff

Hollie Hopkins, Jefferson County Attorney's Office
Alice Lyon, Jefferson County Attorney's Office

Clerk(s)

Sonya Harward, Clerk

Pending Legislation

1. [O-481-20](#)

AN ORDINANCE CREATING THE CIVILIAN REVIEW & ACCOUNTABILITY BOARD AND THE OFFICE OF INSPECTOR GENERAL, AND ABOLISHING THE CITIZEN COMMISSION ON POLICE ACCOUNTABILITY. (AMENDMENT BY SUBSTITUTION)

Sponsors: Primary Paula McCraney (D-7), Primary Bill Hollander (D-9) and Primary David James (D-6)

Attachments: [O-481-20 V.4 FABS 111920 Civilian Rev. and Acct. Board and OIG.pdf](#)
[O-481-20 V.3 CABS-CAM 111120 Civilian Rev. and Acct. Board and OIG.pdf](#)
[O-481-20 V.2 CAM 102820 Civilian Rev. and Acct. Board and OIG.pdf](#)
[O-481-20 V.1 102220 Civilian Rev. and Acct. Board and OIG.pdf](#)
[O-481-20 PROPOSED FABS 111920 Civilian Rev. and Acct. Board and OIG.pdf](#)
[O-481-20 PROPOSED CABS 111120 Civilian Rev. and Acct. Board and OIG.pdf](#)
[Impetus Statement on Civilian Review Final 11-16-20.pdf](#)

A motion was made by Committee Member Fox, seconded by Committee Member Sexton Smith, that this Ordinance be untabled.

Enactment No: Ordinance 147-2020

A motion was made by Chair Green, seconded by Committee Member Sexton Smith, that this item be amended by substitution as shown in the attached document titled "O-481-20 PROPOSED CABS 111120 Civilian Rev. and Acct. Board and OIG.pdf."

Council Member McCraney spoke about this item and stated that she was available for any questions.

Enactment No: Ordinance 147-2020

Committee Member Fox spoke about this item and explained that he had an amendment to propose regarding the number of hours members of the Civilian Review and Accountability Board would be required to accompany on-duty Louisville Metro Police Department personnel on ride-a-longs.

A motion was made by Committee Member Fox, seconded by Vice Chair Peden, that the proposed amendment by substitution version of this Ordinance be amended as follows:

- Section 36.76(A) is amended to read as follows: "All newly appointed board members shall complete:"
- Section 36.76(A)(2) is amended to read as follows: "A minimum of forty hours accompanying on-duty LMPD personnel, made up of:"
- Section 36.76(A)(a) is amended to read as follows: "A minimum of twenty-four hours completed during two night shifts or a series of night shifts in varying areas;"
- Section 36.76(A)(b) is amended to read as follows: "A minimum of twelve hours completed during one day shift or a series of day shifts in varying areas;"

and"

- Add a new Section 36.76(A)(c) to read as follows: "A minimum of four hours completed with an investigative unit."
- Change "Section 36.76(B)" to "Section 36.76(C)"
- Add a new Section 36.76(B) to read as follows: "After the first year of service on the board, all members shall annually complete twenty-four hours accompanying on-duty personnel as outlined in subsection (A)(2) of this section."

The following spoke to this proposed amendment:

- Council Member Hollander
- Council Member McCraney
- Chair Green
- Vice Chair Peden
- Council President James
- Committee Member Flood
- Committee Member Shanklin
- Committee Member Sexton Smith
- Committee Member Parker

The following was discussed:

- The Ordinance already includes 16 hours of training on other issues and 16 hours of ride-a-longs, which is an increase from the previous 8 hours
- Most Civilian Review Boards do not have the training that is already being proposed in this Ordinance
- Most Civilian Review Boards have paid staff who also do not have the amount of training already being proposed in this Ordinance
- It will be hard to find people who want to and are capable of doing the amount of training that is being proposed in this amendment
- Board members will receive a stipend of \$50 per month, no matter how many meetings they attend per month
- Board members will receive an additional stipend for training they attend
- The increase in training hours will limit the type of people, such as hourly-wage workers, that can be members on this Board
- The training is not being required for the staff of the Inspector General, but they should be required to go through the same training or more training
- Proposed change to the amendment to change "varying areas" to "varying divisions"
- Every major city has a Citizen Review Board except for Louisville and none require the training that is being proposed in this Ordinance
- Louisville currently has a Merit Board that reviews similar cases and they have no training
- Jurors who sit on cases involving police matters most often do not have any type of police training
- Suggestion to make the training coordinate with the 12-hour shifts that police officers work and require one 12-hour day shift and one 12-hour night shift, plus the four hours with the investigative unit
- The roll of the Board members will be to oversee the Inspector General/staff, who are the investigative arm of the Board -- they are volunteers who are not required to have any type of law enforcement background or any particular type of skills and must be members of this community
- Emphasis should be on the Inspector General who is responsible for presenting cases to the Board
- Members of the Board could request additional ride-a-long time if they

wanted more than 16 hours

- Suggestion to ride in each of the 4 quadrants of the city in 4-hour shifts
- The Office of the Inspector General will be responsible for preparing a training manual and obtaining the professionals to conduct the training so specific details about such were left out of the Ordinance

The motion to amend the proposed amendment by substitution version of this Ordinance carried by the following vote:

Yes: 4 - Peden, Fox, Parker, and Flood

No: 3 - Green, Shanklin, and Sexton Smith

Enactment No: Ordinance 147-2020

The motion to amend by substitution, which had been further amended, carried by a voice vote.

Vice Chair Peden spoke to this item and stated that he had a few amendments to propose.

A motion was made by Vice Chair Peden, seconded by Committee Member Fox, that this amended Ordinance be further amended as follows:

- Amend Section 36.80 to read as follows: "The Inspector General is not required to have law enforcement experience, but a person with a criminal investigation background or background in law enforcement is preferred. The Inspector General cannot have been employed by the Louisville Metro Police Department, the Department of Kentucky State Police, a police department within the Commonwealth of Kentucky, or the Sheriff's office of any county within the Commonwealth of Kentucky. Candidates with an educational and work background in law, criminal justice, investigations, or other relevant fields are preferable."

The following spoke to the proposed amendment:

- Council Member Hollander
- Chair Green
- Committee Member Fox
- Committee Member Sexton Smith
- Committee Member Parker

The following was discussed:

- This section was already discussed extensively by the work group
- Concern about making substantive changes to the Ordinance that was created by a work group made up of citizens who represent a cross-section of society and who spent a long time considering the product they provided
- There is no substantive criteria for the job, as it states what you cannot be but says very little about what you can be
- Being appointed to the Board requires Metro Council approval
- When recruiting for positions, it is a good idea to leave the criteria as broad as possible so that there are many possible candidates to be considered to fill the positions
- The Board will have power over people's lives so there should be more defined criteria for the position

The motion to amend carried by the following vote:

Yes: 4 - Peden, Fox, Parker, and Flood

No: 3 - Green, Shanklin, and Sexton Smith

Enactment No: Ordinance 147-2020

A motion was made by Vice Chair Peden, seconded by Committee Member Fox, that this amended Ordinance be further amended as follows:

- Amend Section 36.71(A)(4) by adding the following new subsections:

- "(g) Kentucky Association of Chiefs of Police;"
- "(h) United States Attorney for the Western District of Kentucky; and"
- "(i) Kentucky Law Enforcement Council."

The following spoke to the proposed amendment:

- Chair Green
- Council Member Hollander
- Committee Member Flood
- Council President James

The following was discussed:

- What the research says about police policing themselves and what other cities are doing in that regard
- Unusual to have police organizations appointing members to a Civilian Review Board
- People who have not worked in a particular field may have a tendency to be more lenient when making judgments about the actions of someone that works in that field

The motion to amend carried by the following vote:

Yes: 4 - Peden, Fox, Parker, and Flood

No: 3 - Green, Shanklin, and Sexton Smith

Enactment No: Ordinance 147-2020

A motion was made by Chair Green, seconded by Vice Chair Peden, that this amended Ordinance be tabled. The motion to table carried by a voice vote.

Council Member Hollander asked Chair Green if she planned to have a special committee meeting so that there is more than one hour at a time to discuss this item, and Chair Green stated that she would check the Committee Members' availability and see if it is possible to have a special committee meeting scheduled.

Council Member McCraney spoke about the diligent work of the work group on the Ordinance and shared her disappointment that Council Members did not reach out during the process to provide feedback on the working document before it was presented to the Council but are now requesting changes.

Enactment No: Ordinance 147-2020

2. [R-120-20](#)

AN RESOLUTION URGING METRO GOVERNMENT TO TAKE ALL POSSIBLE STEPS TO REQUIRE DRUG AND ALCOHOL TESTING OF LOUISVILLE METRO POLICE DEPARTMENT OFFICERS WHEN CRITICAL INCIDENTS OCCUR.

Sponsors: Primary David James (D-6) and Primary Barbara Sexton Smith (D-4)

Attachments: [R-120-20 V.1 091720 Drug Testing for LMPD After Incidents.pdf](#)

This item remained held.

Adjournment

Without objection, Chair Green adjourned the meeting at 4:36 p.m.