



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Final Government Oversight and Audit Committee

Chair Brent Ackerson (D-26)

Vice Chair Anthony Piagentini (R-19)

Committee Member Barbara Sexton Smith (D-4)

Committee Member Donna Purvis (D-5)

Committee Member Brandon Coan (D-8)

Committee Member Bill Hollander (D-9)

Committee Member Kevin Kramer (R-11)

Committee Member Rick Blackwell (D-12)

Committee Member Cindi Fowler (D-14)

Committee Member Stuart Benson (R-20)

Committee Member Madonna Flood (D-24)

Wednesday, September 16, 2020

2:30 PM

Council Chambers

THIS IS CONSIDERED A SPECIAL MEETING

Call to Order

Chair Ackerson called the meeting to order at 2:30 p.m

Present: 11 - Chair Brent Ackerson (D-26), Vice Chair Anthony Piagentini (R-19), Committee Member Barbara Sexton Smith (D-4), Committee Member Donna L. Purvis (D-5), Committee Member Brandon Coan (D-8), Committee Member Bill Hollander (D-9), Committee Member Kevin Kramer (R-11), Committee Member Rick Blackwell (D-12), Committee Member Cindi Fowler (D-14), Committee Member Stuart Benson (R-20), and Committee Member Madonna Flood (D-24)

Roll Call

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

***NOTE: All committee and non-committee members present attended virtually, except for Chair Ackerson and Vice Chair Piagentini who attended in Chambers.**

Non-Committee Members

Council Member Jessica Green (D-1), Council Member Barbara Shanklin (D-2), Council President David James (D-6), Council Member Paula McCraney (D-7), Council Member Kevin Triplett (D-15), Council Member Scott Reed (R-16), Council Member Markus Winkler (D-17), and Council Member Marilyn Parker (R-18)

Support Staff

Jonathan Ricketts, Attorney for Metro Council

Clerk(s)

Sonya Harward, Clerk
Cheryl Woods, Assistant Clerk

HEARING

1. [ID 20-1059](#)

HEARING PURSUANT TO ORDER 003, SERIES 2020, 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

Attachments: [OR 003 2020.pdf](#)

[Subpoena for Chief Robert Schroeder \(issued on 9-8-20\).pdf](#)

[Subpoena for Chief Amy Hess \(issued on 9-8-20\).pdf](#)

[Subpoena for Chief Amy Hess \(approved for issuance on 8-3-20\).pdf](#)

[Subpoena for Chief Robert Schroeder \(approved for issuance on 8-3-20\).pdf](#)

A motion was made by Committee Member Fowler, seconded by Committee Member Benson, to have the oath administered to those that were in attendance to testify. The motion carried by a voice vote.

Chair Ackerson administered the oath to those listed below:

- Chief Amy Hess, Public Services
- Chief Robert Schroeder, Louisville Metro Police Department
- Deputy Chief LaVita Chavous, Louisville Metro Police Department
- Assistant Chief Josh Judah, Louisville Metro Police Department
- Major Paul Humphrey, Louisville Metro Police Department
- Major Aubrey Gregory, Louisville Metro Police Department
- Assistant Chief Shara Parks, Louisville Metro Police Department
- Major James Cirillo, Louisville Metro Police Department
- Assistant Chief David Allen, Louisville Metro Police Department
- Assistant Chief Andy McClinton, Louisville Metro Police Department

Chief Hess provided an opening statement about the events surrounding the civil unrest and demonstrations that have occurred in the city over the past 111 days, and which have resulted in the arrest of 633 people.

The following asked questions and made comments:

- Chair Ackerson
- Vice Chair Piagentini
- Council Member Parker
- Committee Member Hollander
- Council President James
- Committee Member Kramer
- Committee Member Sexton Smith
- Council Member Winkler
- Committee Member Fowler

The following answered questions/provided testimony:

- Chief Amy Hess
- Major Aubrey Gregory
- Deputy Chief LaVita Chavous
- Assistant Chief Josh Judah
- Major Paul Humphrey
- Assistant Chief David Allen

The following was discussed:

- Investigations being conducted by the Public Integrity Unit ("PIU")
- Louisville Metro Police Department ("LMPD") staff being able to testify and what may limit the ability of any of the LMPD staff to testify
- Whether there was any initial concern that statements from the Mayor's office on May 28, 2020 in response to the release of statements made by Kenneth Walker could cause civil unrest
- How information was conveyed to LMPD staff about the rising of civil unrest and the need to set up the Emergency Operating Center
- Description of the Emergency Operating Center
- Decision to use riot gear and the plan for addressing the civil unrest on May 28, 2020
- Decision by LMPD to use force against the crowd in the early morning hours of May 29, 2020
- Decision to send resources to 26th and Broadway on May 31, 2020 and June 1, 2020 and what happened to precipitate that decision
- Body cameras being active during the incident at 26th and Broadway (later in the hearing the location where the data is stored was discussed)
- Timeline of when some people were notified about former Chief Steve Conrad being terminated and Chief Hess's new roll that involved the LMPD Chief reporting to her
- How questions were being handled while LMPD command staff was dealing with the on-going situation
- Decision to place LMPD officers on top of buildings during incidents and the use of pepper balls
- Speakers used so that crowds in Jefferson Square Park can hear police directives
- Shooting of Tyler Girth on June 27, 2020 by a member of the public in Jefferson Square Park
- Decision to no longer allow people to stay in Jefferson Square Park and to have their belongs removed by Metro Public Works Department
- Incident that occurred during the clearing of an illegal blockade around Jefferson Square Park and left motorists stranded on the interstate
- Chief Hess's knowledge of Chief Schroeder's intent to retire in the near future when he was being appointed as acting LMPD Chief
- Decisions made on Derby Day regarding how officers were assigned to certain areas
- Changes that have been made for future operations due to the incident that occurred on June 16, 2020 on 9th street
- The order of authority around May 28, 2020 through June 1, 2020
- Rank structure and incident command structure, which does not necessarily go by rank, and specifically the command structure on the evening of May 28, 2020
- National Guard being brought in to assist
- Standard operating procedures in regards to the use of body cameras

- How decisions are made by command staff and how disagreements are handled
- LMPD officers being spit on and the possible need to increase the penalty during the pandemic
- How decisions were made during the onset of the protests compared to how they were made a few days into the protests, and the Mayor being more involved in the discussions
- What is and is not allowed in reference to First Amendment Rights, and some groups of protesters having permits and other groups of protesters being allowed to demonstrate without permits
- Use of force, when it is used, and why it is used
- Decisions regarding actions taken or not taken during protests at Fourth Street Live when LMPD officers were nearby while people were looting businesses in the area
- Whether it was a hard decision to send the National Guard into the west end of Louisville
- What happened to bring about the decision to send LMPD officers to West Broadway when there were no protests occurring in that area
- Why some LMPD officers may have felt that they had stand-down orders
- The incident on June 16, 2020 where a motorist was driving at a high rate of speed towards LMPD officers, who gave the order to hold their position, and why
- Whether the safety of civilians was considered during the incident on June 16, 2020
- Mayor's involvement in decisions regarding protests/demonstrations
- Two times since May that there were stand-down orders given and who gave those orders, which included comments about the Council not having "an appetite" for certain enforcement actions
- Whether officers have discretion as to which laws to enforce and when to enforce them
- Proper use of pepper balls and posts by reporters during the hearing saying they were fired upon with pepper balls
- Decision to file felony charges against protestors during the demonstration on Attorney General Daniel Cameron's lawn
- Whether Jessie Halladay, LMPD, was making decisions and why she was representing LMPD and answering questions during the early days of the protests since she is a civilian and not a sworn officer
- Whether additional cameras or equipment were placed around Attorney General Daniel Cameron's home -- *Further information will be provided to the Committee
- Two explosions, one on Witherspoon and one on Preston near Louisville Slugger Field, and the damage done
- Permits for demonstrations when protesters just appear and the impracticality of enforcing such
- Enforcing the Ordinances regarding camping and homeless camps
- Whether a decision can be made now to start enforcing the requirement to have a permit for demonstrations/protests
- How protesters have coordinated efforts to cause more damage
- Whether politics have played a roll in decisions made during the last 111 days
- Decision to terminate Officer Hankinson being announced on June 19, 2020 --
*Will provide information as to whether there is still an active PIU open in regards to Officer Hankinson

- Deliberate review of officers' actions throughout this time, and considering all aspects of the situations to determine whether further action needs to be taken
- Whether the incidents on March 13, 2020 and the night David McAtee was killed have been reviewed to determine if any policies and procedures were violated
- Centennial Event Review started in regards to the March 13, 2020 incident but was halted due to potential interference with criminal proceedings
- Whether stand-down orders were a matter of perception by LMPD officers
- Decision made in regards to people breaking into ATM machine at 26th and Broadway during the incident that occurred in the area
- Whether the same responses used at 26th and Broadway were being used all over the city
- Who made the decision that the National Guard would not only be used for critical infrastructure protection
- Brigadier General Larkin being the overall commander of the National Guard

2. [M-24-20](#)

A MOTION TO PETITION THE JEFFERSON CIRCUIT COURT TO COMPEL OBEDIENCE AND/OR ISSUE SANCTIONS WITH REGARD TO ORDER 003, SERIES 2020.

Attachments: [Motion to Compel Obedience to Subpoena \(approved for issuance on 9-16-20\).pdf](#)

During the hearing, Chair Ackerson addressed a question to Chief Schroeder and his attorney, Joey Klausing, stated that Chief Schroeder would not be testifying about anything. Chair Ackerson took a break from the hearing to call this item.

A motion was made by Chair Ackerson, seconded by Vice Chair Piagentini, that this Motion be approved.

Chair Ackerson explained that the purpose of the Motion was to allow the Council's attorney to file a Motion to Compel the testimony of Chief Robert Schroeder before he leaves his position on October 1, 2020.

The motion carried by the following vote and the Motion passed:

Yes: 9 - Ackerson, Piagentini, Purvis, Coan, Hollander, Kramer, Blackwell, Fowler, and Benson

No: 1 - Sexton Smith

Present: 1 - Flood

During the vote, Committee Member Flood asked for clarity.

After the vote, Committee Member Kramer asked if there was a way to make the Committee's intent clear that they would request Chief Schroeder to testify within 24 to 48 hours of a judges ruling due to the time constraints.

After the Motion was approved, Chair Ackerson resumed the hearing.

Adjournment

Without objection, Chair Ackerson adjourned the meeting at 7:35 p.m.