



# 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)*

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Wednesday, December 2, 2020

3:30 PM

Council Chambers

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### Call to Order

Chair Green called the meeting to order at 3:31 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 President David James (D-6); Council Member Paula McCraney (D-7); and Council Member Markus Winkler (D-17)

### Support Staff

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

### Clerk(s)

Sonya Harward, Clerk

### Point of Personal Privilege

Vice Chair Peden requested a point of personal privilege to speak about Mike Henson, former Highview Firefighter, who passed away after a battle with cancer. He asked that the others join him in raising a coffee cup in honor of Mike Henson.

## Pending Legislation

1. [O-557-20](#)

**AN ORDINANCE AMENDING ORDINANCE NO 128, SERIES NO. 2020 REGARDING LOUISVILLE METRO POLICE DEPARTMENT POLICIES RELATING TO USE OF FORCE.**

**Sponsors:** Primary Jessica Green (D-1)

**Attachments:** [O-557-20 V.1 111920 Amend LMCO Use of Force Ord.pdf](#)

A motion was made by Vice Chair Peden, seconded by Committee Member Sexton Smith, that this Ordinance be recommended for approval.

Chair Green explained that this amends the Ordinance regarding police use of force and the amendments are to make sure that the Ordinance is consistent with law and legal precedent.

Hollie Hopkins, Jefferson County Attorney's Office, agreed with Chair Green and stated that the amendments were to solidify the Ordinance's original intent as it goes forward.

The motion carried by the following vote and the Ordinance was sent to the Consent Calendar:

**Yes:** 6 - Green, Peden, Sexton Smith, Fox, Parker, and Flood

**Absent:** 1 - Shanklin

Enactment No: Ordinance 158-2020

3. [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](#)

A motion was made by Vice Chair Peden, seconded by Committee Member Fox, that this Resolution be recommended for approval.

Committee Member Sexton Smith gave some background, which included the recognition that alcohol testing was not included in some policies for the police and deciding to change the legislation from an Ordinance to a Resolution due to some challenges. She stated that the Council's attorneys warned of possible litigation if an Ordinance was pursued due to potential conflicts with the collective bargaining agreement, and the Kentucky Revised Statutes would need to be reviewed as well. She stated that the intent of the Resolution was to communicate to the Administration and the FOP that they should negotiate in good faith to add alcohol testing to their agreement. She further stated that this was for the safety of the police officers and the public.

Council President James agreed with Committee Member Sexton Smith's assessment and urged support of the Resolution.

The motion carried by a voice vote and the Resolution was sent to the Consent Calendar.

Enactment No: Resolution 123-2020

2. [R-161-20](#)**A RESOLUTION URGING THE GENERAL ASSEMBLY TO AMEND SECTIONS OF THE KENTUCKY REVISED STATUTES IN ORDER TO ENABLE POLICE REFORMS (AMENDMENT BY SUBSTITUTION).**

**Sponsors:** Primary Markus Winkler (D-17), Additional Keisha Dorsey (D-3), Additional Barbara Sexton Smith (D-4), Additional David James (D-6), Additional Jessica Green (D-1) and Additional Paula McCraney (D-7)

**Attachments:** [R-161-20 V.2 FABS 121020 KRS Police Reform.pdf](#)  
[R-161-20 V.1 111920 KRS Police Reform.pdf](#)  
[R-161-20 PROPOSED FABS 121020 KRS Police Reform.pdf](#)

A motion was made by Committee Member Flood, seconded by Committee Member Sexton Smith, that this Resolution be recommended for approval.

Council Member Winkler explained that the Council does not have the authority to pass some of the needed changes and this Resolution requests that the Kentucky General Assembly address some of the issues.

Vice Chair Peden asked how many of the changes being requested are in KRS 67C and how many are in other statutes. Alice Lyon, Jefferson County Attorney's Office, and Committee Member Fox responded regarding where some of the changes may need to be made in the statutes.

Vice Chair Peden also stated that there are other changes to state laws that need to be requested and they need to all be presented to the Kentucky General Assembly soon since the session will start soon.

Committee Member Sexton Smith agreed with the Council having their legislative agenda in one summary document, but also agreed with having each topic addressed in each committee since Kentucky legislatures have interests and expertise in different areas. She also spoke about how critical the subpoena power topic in the Resolution is.

Committee Member Parker stated her concern about the Civilian Review Board having subpoena powers, and suggested it may be more appropriate that the Board approach the Council's Government Oversight and Audit Committee for assistance.

Council President James spoke in support of the Resolution and noted that the Ethics Commission also has subpoena powers.

Council Member Winkler explained that the Ordinance that creates the Civilian Review Board provides for subpoena powers, but legislation has to be passed by the Kentucky General Assembly to enable that power.

Committee Member Fox clarified that the subpoena power being requested applies to the Inspector General, not the Civilian Review Board.

The following asked to be added as co-sponsors:

- Committee Member Sexton Smith
- Council President James

- Chair Green
- Council Member McCraney

**The motion carried by a voice vote and the Resolution was sent to Old Business.**

Enactment No: Resolution 125-2020

## **Adjournment**

**Chair Green thanked Committee Member Sexton Smith for her service on the Public Safety Committee.**

**Without objection, Chair Green adjourned the meeting at 4:00 p.m.**

Note: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on December 10, 2020.