File #: O-213-20, **Version:** 3

ORDINIANCE NO. _____ , SERIES 2020

AN ORDINANCE BANNING NO-KNOCK SEARCH WARRANTS, REGULATING THE EXECUTION OF SEARCH WARRANTS AND THE USE OF BODY CAMERA EQUIPMENT DURING IMPLEMENTATION OF ALL SEARCH WARRANTS, TO BE KNOWN AS BREONNA'S LAW. (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBERS SEXTON SMITH, GREEN, SHANKLIN, PURVIS, MCCRANEY, DORSEY, COAN, HOLLANDER, MULVIHILL, KRAMER, BLACKWELL, FOX, FOWLER, TRIPLETT, REED, WINKLER, PARKER, PIAGENTINI, BENSON, GEORGE, ENGEL, PEDEN, FLOOD, YATES, ACKERSON, AND PRESIDENT JAMES

WHEREAS, a ban of no-knock search warrants will enhance safety for both the citizens of Louisville Metro Government and for the law enforcement officers who protect them; and

WHEREAS, specific restrictions and limitations on the use of all search warrants are clearly required to achieve public safety; and

WHEREAS, the use of body camera equipment facilitates transparency in the execution of any search warrant by Louisville Metro Police Department.

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

SECTION I: A new section of Chapter 39 of the Louisville Metro Code of Ordinances is created as follows:

Section 39.XX. Definitions. For the purpose of Chapter 39 of the Louisville Metro Code of Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

No-knock search warrant: Any search warrant issued by a judge and executed upon a premises

that does not require those executing the warrant to knock and announce themselves and their purpose at the premises.

SECTION II: A new section of Chapter 39 of the Louisville Metro Code of Ordinances is created as follows:

Section 39.XX. Use of no-knock search warrants banned.

No Louisville Metro Police Department (LMPD) police officer, Louisville Metro Department of Corrections (LMDC) officer, or any other Metro law enforcement or public safety official shall seek, execute, or participate in the execution of a no-knock warrant at any location within the boundaries of Jefferson County.

SECTION III: A new section of Chapter 39 of the Louisville Metro Code of Ordinances is created as follows:

Section 39.XX. Execution of search warrants by Metro employees.

(A) Any LMPD police officer, LMDC officer, or any other Metro law enforcement or public safety official charged with the execution of any search warrant shall be accompanied only by such other persons as may be reasonably necessary for the successful execution of the warrant with all practicable safety.

(B) Before entering the premises, any executing officer as identified in subsection (A) of this section shall:

(1) Physically knock on an entry door to the premises in a manner and duration that can be heard by the occupants;

(2) Clearly and verbally announce as law enforcement having a search warrant in a manner than can be heard by the occupants; and,

(3) Absent exigent circumstances, wait a minimum of 15 seconds or for a reasonable amount of time for occupants to respond, whichever is greater, before entering the premises.

SECTION IV: A new section of Chapter 39 of the Louisville Metro Code of Ordinances is created as follows:

Section 39.XX. Use of body cameras in the execution of search warrants.

(A) All LMPD officers present in the execution of a warrant shall be equipped with an operating body camera.

(B) No later than five minutes prior to all warrant executions, each officer on the premises must activate their body camera recording equipment and may not deactivate the equipment any sooner than five minutes following the completion of the execution of the warrant.

(C) All recorded data must be retained for five years following an executing action. The recorded data shall be stored in a separate electronic file category designated for this purpose.

SECTION V: A new section of Chapter 39 of the Louisville Metro Code of Ordinances is created as follows:

Section 39.XX. Complaints and discipline.

(A) An employee of Metro Government who violates this section may be subject to disciplinary action, such as oral reprimands, written reprimands, suspension without pay, and/or discharge, under the appropriate union contract, civil service commission rules, or department work rules.

(B) Complaints of a violation of this section by an employee of LMPD or LMDC shall be received and investigated by the respective Professional Standards Unit ("PSU"), except for investigations required and led by the LMPD Public Integrity Unit. Complaints of a violation of this section by an employee of any other Metro Government departments shall be received and investigated by the director of the Human Resources Department ("HR"). The results of any such investigation shall be provided to the complainant in writing within seven days of the completion of the investigation, which shall occur no later than one year after receipt of the complaint or in accordance with time frames specified in any applicable collective bargaining agreement, whichever

is shorter.

SECTION VI: A new section of Chapter 39 of the Louisville Metro Code of Ordinances is created as follows:

Section 39.XX. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidation shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION VII: A new section of Chapter 39 of the Louisville Metro Code of Ordinances is created as follows:

Section 39.XX. Title.

The provisions of Sections 39.XX-39.XX of the Louisville Metro Code of Ordinances shall be known as Breonna's Law.

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

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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

BY: _____

O-213-20 Ban amendment by substitution- 6-11-20 (hh-al)