



Legislation Text

File #: O-557-20, Version: 1

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

SPONSORED BY: COUNCIL MEMBER GREEN

WHEREAS, the Louisville Metro Council recently enacted legislation regarding certain policies for use of force by the Louisville Metro Police Department (LMPD); and

WHEREAS, the intent of that legislation was to ensure LMPD use of force policies reflect best practices in accordance with federal and state law and legal precedent; and

WHEREAS, modification of the language in that Ordinance is necessary to ensure consistency with existing law.

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

SECTION I. Section 36.04 of the Louisville Metro Code of Ordinances is hereby amended as follows:

Section 36.04. Required policies; limitations on police use of force.

(A) For the purposes of this section of the Louisville Metro Code of Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Use of Force. Physical force used upon, or directed toward, the body of another person.

De-escalation. A desired outcome achieved by utilizing decision-making, communication, and tactics to resolve conflict or potential conflict, which is ethically based on the preservation of life and the avoidance of the use of force.

(B) The Chief of Police shall incorporate the following requirements, consistent with law and legal precedent, regarding the use of force in any policies, procedures, or regulations concerning the conduct of department members:

(1) Choking techniques are only an approved force option in a situation where the use of deadly force would be allowed.

(2) Department members ~~shall~~ should, when reasonable under the totality of the circumstances, attempt to resolve conflict or potential conflict through de-escalation techniques to decrease the likelihood that officers will resort to the use of force.

(3) Department members ~~shall~~ should, if feasible, give a clearly audible verbal warning before the use of deadly force.

(4) Department members ~~shall~~ should, when reasonable under the totality of the circumstances, exhaust all reasonable alternative uses of force prior to using firearms.

(5) Department members ~~shall~~ should act to prevent or stop any other officer, regardless of rank or assignment, from using unlawful, unnecessary, or excessive force.

(6) Department members ~~shall~~ should not discharge their firearms either at, or from, a moving vehicle unless deadly force is being used against the officer or another person. The use of a vehicle by a civilian shall not be considered deadly force unless there is gunfire or other deadly force emanating from the vehicle or it is reasonable to believe the vehicle is ~~intentionally~~ being used to strike a person, a crowd, another vehicle or a building or structure ~~with the intent~~ when capable of causing mass injuries, serious physical injuries, or the death of another person.

(7) Department members ~~shall~~ should, based on facts known ~~or facts an~~ to the officer ~~reasonably should know~~, utilize the lowest level of force reasonable to gain control of the subject.

(8) Department members ~~shall~~ should report, through the chain of command, each

use of physical force other than a control hold and each instance of pointing a firearm at another person.

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

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: _____

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