

# Department of Justice Report of Investigation Summary of Findings and Recommendations

\* This summary has been prepared by the Office of the Mayor for the convenience of the Public Safety Committee. Please refer to the full report for the DOJ's specific findings and recommendations.

# Subject Matter of Investigation

- Louisville Metro Police Department and Louisville Metro Government
- Pattern and practice investigation of law enforcement under 34 USC 12601
- Constitutional and federal statutory rights
- Timeframe: 2016-2021



# Findings concerning the Louisville community

- Louisville is racially segregated: Ninth Street Divide.
  - Black residents 3x more likely to live in poverty.
  - West Louisville residents have lower life expectancies and higher rates of serious health conditions.
  - West End neighborhoods experience higher levels of gun violence.
  - Louisville experienced more than 170 homicides in 2020 and 2021.
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# Findings concerning changes since 2020

- Breonna's Law bans judicially authorized no-knock warrants.
- Hillard Heintze report issued.
- Pilot project to deflect 911 calls to mental health professionals.
- More funding for community-based violence prevention.
- Civilian Review Board and Inspector General.

# Investigation process

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- On-site tours with LMPD leadership, patrol officers, and special units.
- Review of files (e.g., internal affairs files, incident reports on stops and searches, case files).
- Ride alongs with officers.
- Review of body-worn camera footage.
- Meetings with community members, advocates, defense attorneys, prosecutors, and judges.



# DOJ Finding 1: LMPD uses excessive force

- Force must be objectively reasonable.
  - Sample of 2,217 incidents of less-lethal force (taser, canine bite, baton, OC spray, projectile launch, takedown/strike).
  - Disproportionate use of force.
    - Force used when no active resistance or threat (examples: neck restraints, police dogs, tasers, tackles).
    - Force used to inflict punishment for not complying.
  - Force used against peaceful protestors.
  - Failure to de-escalate situations (e.g. domestic violence calls).
  - Weak oversight by first-line supervisors; lack of referrals to internal affairs.
  - Investigations of OIS are flawed.
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# DOJ Finding 2: LMPD conducts searches based on invalid warrants

- Warrants must be based on probable cause and supported with sworn affidavit to obtain judicial approval.
  - 19 of 30 judges rarely reviewed warrants; 6 approved > 50%.
  - Too many sealed warrants; more likely to lack probable cause.
  - Descriptions of criminal conduct lacked detail.
  - Warrants include associates not suspected of a crime, or locations not implicated in a crime.
  - Improper use of confidential informants (credibility concerns; stale criminal history reports).
  - Lack of supervision and oversight of warrant applications.
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## DOJ Finding 3: LMPD executes search warrants without knocking and announcing

- Officers did not knock and announce their presence before entering half of the time.
  - No-knock warrants no longer authorized after Breonna's Law.
  - A regular warrant can still be served without knocking if there are “exigent circumstances.”
  - LMPD serves warrants at night when there are no exigent circumstances; element of surprise creates danger.
  - Failure to complete the Risk Assessment Matrix.
  - Failure to record warrant executions on body-worn cameras.
  - Failure of supervisors to fill out reviews of warrant executions.
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## DOJ Finding 4: LMPD's street enforcement violates the Fourth Amendment

- Fourth Amendment: “Unreasonable searches and seizures.”
  - Applies to stops, frisks, detainments, searches, arrests.
  - LMPD prolonged pretextual traffic stops without legitimate grounds.
  - LMPD stops and frisks without reasonable suspicion (e.g. in vicinity of gunshots).
  - LMPD conducts pat-downs without reasonable suspicion they are armed/dangerous.
  - LMPD coerces consent to searches (e.g. threatening to involve K9 unit).
  - LMPD unnecessarily sends 4-5 officers to traffic stops.
  - LMPD conducts some warrantless searches of homes.
  - LMPD training encourages overly aggressive street encounters.
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## DOJ Finding 5: LMPD discriminates against Black people

- Title VI and the Safe Streets Act prohibit police practices that have an unjustified disparate impact based on race.
  - DOJ found racial disparities unlikely to result from race-neutral factors.
  - LMPD stopped and cited Black drivers at 1.5x rate of white drivers.
  - LMPD searched Black drivers 2.6x more often than white drivers (49% more likely accounting for similar pre-stop behavior).
  - Black drivers were 1.8x more likely to be stopped for minor violations.
  - Black drivers are detained for 15% longer during traffic stops.
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# DOJ Finding 5 continued

- Black drivers were 4x more likely to be cited/arrested for marijuana possession.
  - Controlled for race-neutral explanations by comparing drivers who displayed similar driving behavior.
  - LMPD relies more heavily on pretextual traffic stops in Black neighborhoods.
  - Pretextual stops are ineffective and undermine trust.
  - LMPD has been aware of racial disparities since 2014-2015 timeframe.
  - LMPD has failed to discipline officers who expressed racial bias.
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# DOJ Finding 6: LMPD violates free speech

- 2020 protests for racial justice and police accountability.
  - Vast majority of protests were peaceful.
  - LMPD used force against protestors to retaliate against speech.
  - LMPD made mass arrests without probable cause.
  - LMPD uses force against verbally uncooperative subjects.
  - Lack of a policy to manage lawful demonstrations as opposed to civil disturbances/disorderly crowds.
  - Training on civil disturbances primes officers to escalate.
  - Protest planning encourages aggressive response.
  - Content-based discrimination (BLM, Occupy ICE, Three Percenters were treated differently).
  - No meaningful review of protest response; no supervisor review of force events.
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# DOJ Finding 7: LMPD and LMG violate the ADA

- People with behavioral health disabilities have a right to equal access to services.
  - LMPD dispatched to 40,470 incidents involving behavioral health.
  - Many calls involved no violence, weapon or threat of harm.
  - LMPD fails to de-escalate situations involving behavioral health, resulting in injury.
  - LMPD uses unnecessary force on people with BH disabilities.
  - LMPD treats people with BH disabilities discourteously and callously.
  - Failure to appropriately implement the Crisis Intervention Team concept.
  - MetroSafe fails to collect adequate information from callers in a behavioral health crisis.
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# DOJ expressed concerns about LMPD's response to sexual assault and domestic violence

- LMPD fails to open administrative investigations of officers under criminal investigation for sexual misconduct/domestic violence.
  - Lack of thorough investigations and disregarding evidence.
  - LMPD officers expressed skepticism of reports of sexual assault by women who were intoxicated, assumed to be engaged in sex work, or in a behavioral health crisis.
  - LMPD fails to complete required lethality screening after domestic violence incidents.
  - LMPD fails to properly present sexual assault and domestic violence cases to prosecutors.
  - Consolidation of Sex Crimes and Crimes Against Children squads; under-staffing and lack of training.
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# Deficiencies identified by DOJ

## LMPD fails to support officers.

- Inadequate policies.
- Inadequate training on policies.
- Poorly maintained facilities signal that work is not valued.
- Lack of focus on officer health/wellness.

## LMPD fails to supervise officers and hold them accountable.

- Supervisors fail to detect and document misconduct.
- Supervisors are reluctant to confront officers.
- Officers do not face meaningful consequences for misconduct.
- Deficient accountability system results in repeated misconduct.

# Deficiencies identified by DOJ cont.

- LMPD imposes unnecessary burdens on civilian complainants.
  - LMPD investigated only 43 civilian complaints in 2020.
  - Only Internal Affairs Unit may accept sworn complaints.
  - Officers exercise discretion whether to refer informal/unsworn complaints to the Internal Affairs Unit.
  - Complaint form available on website but cannot be electronically filed; civilians must print the form and return it in person or by mail.
- Other KY law enforcement agencies make it easier.
  - Allow officers outside of internal affairs to accept complaints.
  - Allow complaints to be submitted by phone or email.
  - Accept anonymous complaints.

# DOJ's recommended remedial measures

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|------------------------------------------------------------------|----------------------------------------------------------------------------|
| 1. Enhance use-of-force policies, reporting & review.            | 10. Require consistent activation/review of BWC.                           |
| 2. Create new use-of-force training.                             | 11. Reform street enforcement policies/training.                           |
| 3. Enhance Force-related accountability mechanisms.              | 12. Require documentation of all stops.                                    |
| 4. Improve policies related to confidential informants.          | 13. Analyze data from enforcement activity to identify racial disparities. |
| 5. Improve policies/training re search warrants.                 | 14. Community engagement in reducing violent crime.                        |
| 6. Improve policies/training re knocking/announcing.             | 15. Public safety alignment with community values                          |
| 7. Duplicate to #4.                                              | 16. Improve policies re protests/demonstrations.                           |
| 8. Improve policies/training re residential search warrants.     | 17. Improve the ordinance re permits for protests and demonstrations.      |
| 9. Implement planning and after-action review of RSW executions. | 18. Improve training on protests and demonstrations.                       |

# DOJ's recommended remedial measures

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| 19. Expand the mobile crisis team pilot.                                | 28. Improve training for Internal Aff. Investigators                                              |
| 20. Ensure that MetroSafe deploys mobile crisis and co-responder teams. | 29. Fully staff Internal Affairs Units.                                                           |
| 21. Improve coordination between MetroSafe and Crisis Hotline.          | 30. Improve the review process for Internal Affairs Investigations.                               |
| 22. True Crisis Intervention Team at LMPD                               | 31. Improve Civilian Oversight re OIG and CR&AB.                                                  |
| 23. Improve training across the department.                             | 32. Implement a police facility improvement plan.                                                 |
| 24. Improve training for supervisors.                                   | 33. Improve officer health and wellness programs.                                                 |
| 25. Accept all civilian complaints.                                     | 34. Improve processes related to officer sexual misconduct and domestic violence.                 |
| 26. Facilitate access to civilian complaint process.                    | 35. Improve processes related to responding to complaints of sexual misconduct/domestic violence. |
| 27. Improve civilian complaint investigations.                          | 36. Establish an External Review Panel for sexual assault investigations.                         |