

Civilian Review and Accountability Board Meeting Summary

Thursday, April 15, 2021

Members Present: Turney Berry, Stachelle Bussey, Scott Dickens, Jennifer Green, Barbara Haigler, Charles Keyes, Marianna Michael, Denise Sears, Guillermo Sollano, Antonio Taylor, and Kellie Watson.

Guests and Staff: Mayor Greg Fischer, President David James, Councilwoman Paula McCraney, Deputy Mayor Ellen Heslen, Hollie Hopkins, Alice Lyons, Althea Jackson, Chris Doolin, Wanda Mitchell Smith, Ernestine Booth Henry, Lena Muldoon, Amy Hess, and Faith Augustine.

I. Opening Remarks and Welcome

Faith Augustine welcomed members to the first meeting of the Civilian Review and Accountability Board (CR&AB). She noted that the Louisville Metro Criminal Justice Commission is providing staff support to the Board until the Office of the Inspector General is up and running. She thanked members for participating in the virtual meeting and reminded members to stay on mute unless speaking and noted that the chat function was available for questions during the discussion. She reminded attendees that the meeting is being aired live on Metro TV and streamed on Facebook for the viewing public.

Faith called on Mayor Greg Fischer to provide opening remarks. Mayor Fisher welcomed members and guests to the meeting. He stated that getting to this point is a very exciting moment and he appreciates how much work has gone in to preparing for this historic event. Public safety is at a crossroads across America and in Louisville right now due to hundreds of years of painful history and inequity throughout society and in law enforcement. He recalled the recent tragedies and deaths of George Floyd, Breonna Taylor and Dante Wright. He stated that the only way to prevent more pain, have more justice and less tragedies is to work together to strengthen the level of trust, respect and legitimacy between the police and members of the community that they serve, especially within communities of color. To achieve that goal, he stated that the level of transparency and accountability must be increased. He added that police officers have a difficult job and must deal with the results of society's systemic failures. They must know how to enforce the law, but it must be done in an accountable and transparent manner. For this reason, he stated the Civilian Review and Accountability Board was created and the members appointed represent people from diverse backgrounds across the community.

Mayor Fisher thanked Deputy Mayor Ellen Heslen and Councilwoman Paula McCraney for their work and assistance in establishing the Civilian Review and Accountability Board and the Office of Inspector General. He thanked Councilman Bill Hollander for supporting civilian review from the very beginning. He thanked staff from the Jefferson County Attorney's Office, Criminal Justice Commission and Boards and Commissions for their hard work and the dozens of hours putting together a Board that represented all the community. He stated that

he hopes the Board becomes a model for civilian review for the rest of the country. He noted that Metro fought hard in the state legislature to change Kentucky state law to provide the Board with subpoena power; however, politics got in the way during the session. He stated that he will keep fighting until the Board has the subpoena power that it deserves and encourages members to participate in the fight for that as well. He added that LMPD and all Metro employees are required to provide the Inspector General with any requested information, and the Board is empowered to review closed internal police investigations of officer involved shootings and incidents involving a loss of life due to police action. He noted that part of the work of the Board is to make recommendations to the Mayor, the Metro Council, and the Chief of Police on the quality and adequacy of investigations conducted as well as related police policy and training. He stated that the big picture goal is for everyone in the community, and in the city, to have strong faith in police community legitimacy.

Faith Augustine called on Councilman President David James to provide opening remarks. President James thanked the Mayor, Deputy Mayor Ellen Heslen, Councilwoman Paula McCraney and members of the Board for their time and dedication to this work. He stated that the work of the Board is a vital piece of putting the city back together and establishing legitimacy and respect between the citizens and the police department.

II. Overview of the Civilian Review and Accountability Board

Faith introduced Hollie Hopkins and Alice Lyons to provide an overview of the ordinance and a review of the Office of the Inspector General. Hollie Hopkins congratulated members on their appointment to the Board. She stated that she is the Director of the Legislative Services Division at the Jefferson County Attorney's Office and helped staff the work group that came together with ideas for the draft ordinance for Metro Council consideration. She reminded members that a copy of the ordinance was provided in advance of the meeting. She stated that the civilian oversight system that was put in place includes two components—the Board and the Office of the Inspector General which will work in tandem to create a robust oversight system to help facilitate community trust and policing. The Board is inheriting some of the duties that previously were performed by the former Citizens Commission on Police Accountability in reviewing closed internal police investigations and providing recommendations to the Mayor.

Hollie reported that the Board will determine by majority vote which complaints the Office of the Inspector General should investigate. The Board will be on the front-end helping to determine what complaints get investigated and then on the backend by reviewing reports from the Inspector General. The Board is required to adopt a regular meeting schedule at least once a month and has the flexibility to meet more often or less frequently if needed; they must meet at least once per quarter. She further stated that the Board is considered a public agency, therefore notices of meetings must be made public and are subject to whatever the law requires. The ordinance also requires that the board elect a Chair and Vice-Chair by majority vote.

Hollie reported that the Board members terms of service are staggered for one, two, and three-year terms. The officers are only elected for a one-year term under the provision of the

ordinance. She stated that the types of information and work that the Board will be doing deals with sensitive and confidential information. Because of the way the Inspector General's Office can obtain complaints it is important to maintain confidentiality of the work that is done. The ordinance requires that all Board members sign statements of confidentiality and have an understanding of the Code of Ethics. She stated that the Chair will serve as the spokesperson for the Board and that written permission must be obtained from the Chair in advance to speak about an ongoing investigation. She added that one of the obligations of the Board is to submit quarterly reports that include high-level data and statistics on the types of complaints being reviewed and how the board is operating. In closing she stated that the last piece of the ordinance includes specific standards and grounds for removing a Board member. She stated that a two-thirds board vote is required to recommend to the Mayor that a member be removed. If the Mayor agrees, it will be voted on by the Metro Council.

Hollie introduced Alice Lyons to provide an overview of the Inspector General's powers and duties. Alice congratulated the members on their appointment to the Board. She stated that she will focus on the ways that the Inspector General will interact with the Board. The Inspector General will be appointed by the Mayor from a list of three qualified applicants that will be supplied by a search committee which will include either the Board Chair or Vice Chair. The appointment will also require the approval of Metro Council. She stated that the Inspector General's investigatory roles in the ordinance are put into two main categories--complaint driven investigations and non-complaint reviews. She reported that the non-complaint reviews will involve issues pertaining to LMPD operations and their general practices as well as departmental policies. For the discretionary reviews the Inspector General doesn't have to have a board vote of approval; however, he/she does have to inform the Board Chair about the review. For complaint driven investigations the Inspector General will require a majority vote of the Board to proceed with those investigations. The ordinance puts a duty on the Inspector General to screen complaints that come in. She stated that the complaints can come in from any source including referrals directly from the Board or the public.

Alice reviewed the six types of complaints that the ordinance lays out. These involve conduct between members of LMPD and members of the public and the types of conduct that could trigger a complaint; the serious injury or death of an individual in police custody; the serious injury or death of a person that results from police action or inaction; abuse of police authority; excessive use of force; discrimination in the provision of police services; and sexual misconduct. She recalled that complaints can come from any source and requires the Inspector General to evaluate the merits of those complaints, conduct an initial screening, and then present recommendations to the Board about whether he/she believes those complaints merit further investigation. She noted that the investigation can't go any further without a majority vote from the Board. The Chair can request that the Inspector General make preliminary progress reports to the Board while the investigations are ongoing. The ordinance requires the Inspector General to make a public report and one of the duties of the Board is to review those reports that are made public. She stated that the Inspector General will have to establish an office, including hiring staff and building policies and procedures for handling the internal work of the office. Once the office is up and running the Inspector General will take over coordinating the training of future board members and will also be

coordinating community outreach and building public awareness of his/her work and the Board.

Alice added that the Inspector General can only be removed for a finding that there was a failure to perform the duties in the ordinance; a conviction for a criminal act; misconduct, misfeasance, or malfeasance in office that would undermine the credibility of the office or hinder the performance of duties; or demonstrate a pattern of incompetence or lack of fitness for the position. She stated that if those elements are found, there are two ways removal can be initiated. The first is by two thirds vote from the Board, and that the Mayor and Metro Council concur, or a recommendation by the Mayor, followed by the concurrence of two-thirds vote of the Board and approval by a majority of the Metro Council.

In response to a question that was raised in the chat related to the hiring process for the Inspector General, Ernestine Booth Henry stated that Metro posted a requisition for one month to solicit candidates for the Inspector General position. She stated that they have also hired a third-party executive search firm that is helping with identify candidates for the position as well.

III. Chair/Vice-Chair Selection

Faith called on Hollie to lead the Board through the process to elect a Chair and a Vice-Chair. Hollie reminded the Board that, as stated in the ordinance, the election will select a Chair and Vice-Chair for a one-year term. Once elections are made the next step will be to create bylaws for whatever process the Board feels is best for selecting candidates for taking nominations and conducting elections. She stated that for purposes of this inaugural meeting, the administration and the JCAO created a process to guide members through election nominations which were solicited in advance by Althea Jackson. She stated that many board members expressed interest in the various offices, through self-nominations for one or both positions. She reminded members that names of both Chair and Vice-Chair nominations were sent out in advance. She reported that when nominations closed there were five candidates for Chair, and two candidates for Vice-Chair. The ordinance requires six votes to be a successful candidate. She stated that it is possible that a nomination may not get six votes on the first round of voting and if that is the case the individual with the lowest number of votes will be eliminated and another round of voting will occur.

Before voting commenced Stachelle Bussey announced her intention to withdraw her name from the list for Chair. Faith called on the remaining nominees for Chair to introduce themselves and speak about their interest in being Chair. She introduced the nominees for Chair including Scott Dickens, Jennifer Green, Guillermo Sollano, and Kellie Watson. Once all nominees introduced themselves, Hollie reminded members of the requirements and rules for the voting procedure which included each member of the Board being called to select a candidate for Chair. She noted that the JCAO will keep a tally until a candidate with six votes is announced. Faith called the role of all eleven board members. With seven votes, Jennifer Green was named Chair of the Civilian Review and Accountability Board.

Jennifer Green thanked board members and stated that she was honored and humbled to be a part of the team. She stated that in her role she will support the overall effort of getting the Board up and running and partner with all Board members to begin building back the trust between law enforcement and the community.

Faith called for the Vice-Chair election to begin. She called on the two candidates Antonio Taylor and Kellie Watson to introduce themselves and speak about why they are interested in the position. A question was raised in the chat as it relates to self-nominations for the Vice-Chair position. Hollie stated that the initial work group decided for the inaugural meeting that nominations were collected in advance. This was done for the purpose of allowing Althea Jackson to send information around to all board members about the candidates before voting. She further stated that there was no legal impediment to allowing self-nominations for Vice-Chair during the meeting and if a majority of the Board felt it wanted to do that then a vote could take place.

Chair Jennifer Green moved forward with a formal vote for self-nominations for Vice-Chair. Faith called the role and the vote to allow self-nominations was unanimous. Faith called for any self-nominations and Scott Dickens was added to the list of candidates for Vice-Chair. Faith called the role of all eleven board members to vote for Antonio Smith, Kellie Watson and Scott Dickens for Vice-Chair. With eight votes, Kellie Watson was selected as Vice-Chair of the Civilian Review and Accountability Board.

IV. Discussion Items

- A. By-laws**
- B. Training Requirements/Schedule**
- C. Meeting Schedule**
- D. Inspector General Search Committee**

Hollie congratulated Chair Jennifer Green and Vice-Chair Kellie Watson. She stated that the next item on the agenda is to discuss with the Board the process for adopting by-laws. She stated that the function of by-laws are the operating rules for the Board. She noted that the ordinance lays out many of the duties of the Board to be included in the by-laws. She suggested that the Board could convene an ad hoc committee to discuss the by-laws and the Jefferson County Attorney's Office would be happy to weigh in on any questions that are raised. Chairwoman Green asked if there is a Metro approved template for creating by-laws and Althea stated that there is not a specific template for Boards and Commissions. Ellen Hesen stated that the County Attorney's Office and the Mayor's Office can pull by-laws and structures of other boards that are related to Metro as examples. She suggested that the Parks Foundation and the Friends of Metro Animal Services may have by-laws that could be used as a sample for the CR&AB. Councilwoman McCraney asked if there were by-laws from the former Citizen's Commission on Police Accountability (CCPA) that would be helpful and Faith indicated that while the CCPA did not have a specific set of by-laws she would pull the protocol document and share with the CR&AB. Faith, Althea and Hollie all agreed to work with Chairwoman Green to get the resources and information needed to move forward.

Faith announced that she would be working with the Board to schedule the 40 hours of training that is required in the ordinance. She stated that there is a total of 16 hours on various topics related to policing and 24 hours of ride along training in varying patrol divisions. She indicated that she would work with the training presenters and come up with a proposed training calendar for the members to review. A question was raised related to the 90-day timeframe in the ordinance for training to be completed and Hollie stated that if the Board is making good faith efforts to complete the training some flexibility can be afforded.

Chairwoman Green stated that she has documented two priorities including coordinating the training and by-law creation. She thanked the County Attorney's Office for helping to create a working draft of by-laws and agreed to work with Faith on scheduling the training.

Faith stated that the next item on the agenda included defining a regular meeting schedule for the CR&AB to meet. A suggestion was made to poll the members to determine availability. Faith agreed to work with Chairwoman Green on surveying members for their availability.

As for the last item of business, Faith called on Ernestine Booth Henry to provide additional information related to the Inspector General Search Committee. Ernestine stated that the ordinance requires that the Mayor shall establish a search committee to seek qualified applicants for the position of Inspector General. She further stated that the newly elected Chair can participate on the committee or can designate the Vice-Chair to represent the committee. She stated that the search committee will be responsible for interviewing and selecting applicants for the Inspector General position and the top three candidates will be submitted to the Mayor who will appoint the applicant from the list of three submitted. The final candidate will then go before Metro Council for approval. She stated that Human Resources is trying hard to expedite the hiring process where possible but interviewing the candidates and adding the approval to Metro Council's agenda and their approval process will take time. Chairwoman Green followed up and stated that she is designating Vice-Chair Kellie Watson to serve on the search committee and will put her designation in writing.

Chairwoman Green asked if a timeline has been set up for screening the current applications and proceeding with interviews. Ernestine stated that an interview timeline has not been established as Human Resources was waiting for the Board to elect a Chair/Vice-Chair. She stated that Metro is working with a third-party vendor who has identified candidates that will be shared with the Board. Chairwoman Green further asked the logistics of all members signing confidentiality agreements. Althea stated that she will get the agreements sent out in the next week.

V. Adjourn/Next Meeting

Chairwoman Green restated the following takeaways before the next meeting including coordinating training and ride-along schedules; putting together a poll to send out for monthly meeting availability; and obtaining drafts of sample by-laws from established boards with the goal of working with the JCAO to get a draft together. With no further

business to address, the meeting was adjourned. The next meeting date will be sent out electronically once a regular schedule is identified.