

# **CIVILIAN REVIEW BOARD WORK GROUP MEETING SUMMARY**

**Friday, July 10, 2020**

**Members Present:** Deputy Mayor Ellen Hesen, Co-Chair, Councilwoman Paula McCraney, Co-Chair, Kendall Boyd, Jim Burch, Raoul Cunningham, Councilwoman Keisha Dorsey, Drew Fox, Eric T. French, Sr. Reginald Glass, Ingrid Geiser, Councilwoman Jessica Green, Jessie Halladay, Brenda Harral, Chris Hartman, Keturah Herron, Councilman Bill Hollander, Paul Humphrey, Chandra Irvin, Ricky Jones, Rev. Roosevelt Lightsey, Jr., Rep. Nima Kulkarni, Edgardo Mansilla, Kim Moore, Senator Gerald Neal, Ryan Nichols, Sadiqa Reynolds, Erwin Roberts, Judy Schroeder, and Imani Smith.

## **I. Introduction and Roll Call**

Deputy Mayor Ellen Hesen thanked members for participating in the virtual Civilian Review Board Work Group meeting and provided a brief overview of the agenda that was emailed to all members. She reminded members that the public is watching via Facebook Live. She recapped the progress the Work Group has made to date and thanked the Criminal Justice Commission for drafting the summary report of the Work Groups efforts. She noted that at today's meeting Hollie Hopkins will provide an overview of the DRAFT ordinance, and Councilwoman Paula McCraney will discuss next steps. Deputy Mayor Hesen called the roll of members.

## **2. Overview of Draft Ordinance by Jefferson County Attorney's Office**

Hollie Hopkins, Jefferson County Attorney's Office, began by providing an overview of the DRAFT ordinance. Hollie noted that the DRAFT incorporates the research and issues raised by this work group. This is a first draft just to get the discussion going and is very much a work in progress. She reported that a total of \$763,500 was allocated in the FY 21 budget passed by the Metro Council for a civilian oversight system. Hollie explained that this work group considered three general models used in other jurisdictions. These include an auditor/OIG model; an investigatory model; and a review model. The group's consensus at the June 12<sup>th</sup> meeting was that Louisville Metro would be best served by a blend of the models, tailored to our particular laws and circumstances.

The Jefferson County Attorney's Office has reviewed the comments of this work group, the ordinance of the current Citizens Commission on Police Accountability (CCPA), language offered by Councilman Bill Hollander from his prior work on a proposed ordinance for an Office of Inspector General, and language offered by Councilwoman Paula McCraney from her prior work on a proposed amendment to the current CCPA.

The draft is a combination of all three models reviewed by the work group. It currently envisions an OIG who serves as staff to the volunteer board, conducting complaint investigations agreed upon by the Board. The Board would also assume the review duties of the current CCPA. In addition to investigating specific complaints, the OIG would have the authority to conduct operational-type audits of police policies, practices and processes.

The DRAFT includes several places with blanks, and many information bubbles on the side of the draft posing questions for discussion by the group. Questions are posed for members consideration and input on all manner of diverse topics including but not limited to the number of board members, the terms of service for board members and the OIG, qualifications for these positions, the types of complaints the board receives, and the name of the board. After today's meeting, members will receive a questionnaire to solicit information on some of the specific questions in the draft, and any additional feedback you may wish to provide after the discussion.

### **3. Section by Section Discussion and Q&A**

Carmen Moreno-Rivera facilitated discussion of the DRAFT ordinance section by section. Carmen began by asking members for any feedback or questions related to the opening statements and section I, hearing none she moved on to Section II. In response to a question from Sadiqa Reynolds regarding if the Inspector General (IG) would have the authority to prosecute, Hollie Hopkins noted that the IG would have the ability to recommend prosecution. Ms. Reynolds spoke of the PIU unit in Atlanta, Georgia that is responsible for prosecuting. She also noted that the IG for the Cabinet for Health and Family Services is required to maintain confidentiality in certain situations. In response to another question, Councilman Hollander clarified that the IG would not need to ask permission from the Mayor or Metro Council to investigate or report. The IG would have broad review authority and prosecuting authority is allowed by statute. As it relates to section III, Chris Hartman noted that although generally IG's have law enforcement experience, we are limiting ourselves by requiring law enforcement experience. Other members suggested experience should include prosecutorial or experience in investigating criminal investigations.

Carmen moved on to section IV, and Paul Humphrey recommended that the IG serve a five-year term because it would be long enough to understand the job and not overlap with political election. Sadiqa suggested that the salary should be aligned with the salary of the Commonwealth's Attorney. Ingrid raised concern that it may be challenging to recruit someone for the position from out of the state with only a five-year term. Hollie clarified that the DRAFT ordinance doesn't require the candidate to be from outside Louisville or the state, and Sadiqa again stressed the importance of the salary attracting a high-level candidate. Councilman Hollander noted that the budget of \$763,500 was based on the current budget of the Internal Auditor. The Internal Auditor budget includes the Auditor and five or six additional staff.

Section V involves the removal of the IG, and Hollie raised a question related to the process of filing the term, if a vacancy occurs. Members raised a question related to removal if the IG is convicted of a criminal act. Hollie noted that additional language can be added to define criminal act. In response to a question, Hollie noted that the budget for the Office of Inspector General allows for the IG to investigate LMPD only, not all Metro employees. Paul Humphrey added that the Public Integrity Unit investigates Metro employees and the FBI has a Public Corruption Task Force. Hollie explained that the IG is the funnel from where the complaints would come, and added complaints could also come from the PIU/PSU units, tip line, Ethics Commission, etc. According to the DRAFT ordinance, in Section VI, the IG would examine patterns and

practices within LMPD; review policies, procedures, and operations within LMPD; conduct operational audits of LMPD; provide recommendations on improving operations to LMPD, the Mayor, and Metro Council; investigate complaints; and conduct other operations as needed. As described in Section VII of the DRAFT ordinance, the IG would also investigate serious injury or death of any individual in police custody; serious injury or death of any individual resulting from police action; abuse of police authority; excessive use of force; discrimination; or sexual misconduct. In response to a question pertaining to Section VI regarding access to HR records, Alice Lyon indicated that language could be drafted to ensure that HR or personnel policies would not hold up an investigation.

Regarding Section VII, Erwin Roberts asked if the IG investigation would be parallel to an investigation conducted by PIU/PSU. Hollie explained that the work group was interested in pursuing the IG to investigate parallel to PIU/PSU to reduce the length of time to conduct investigations. Paul reminded members that if the PIU unit or the IG conducts a criminal investigation, the defendant can not be compelled to make a statement. In a PSU investigation, they can be compelled to make a statement. Ingrid noted that if the PIU and IG investigations were not parallel then the investigations would take entirely too long to complete. Sadiqa raised concern because she thought that the IG was eliminating the PIU unit. Ingrid explained that the PIU Unit consists of all sergeants or above that are trained to conduct various types of investigations. Paul noted that PIU consists of approximately 14 investigators, and PSU has 10. He explained that PIU investigators have experience conducting all sorts of investigations and specific expertise. He noted that a parallel nature is needed as opposed to the elimination of PIU. PIU is responsible for conducting criminal investigations of department members including all officer-involved shootings, in-custody deaths, any crime by an officer, not just a crime that may have been committed as part of a police action, anytime an officer discharges their firearm, and all Metro employees.

Sadiqa raised concern that the DRAFT ordinance appears to create a shadow agency, is redundant, and questioned the intent of the work group. Councilman Hollander explained that other jurisdictions with an IG were established by ordinance and some by consent decree. He noted that some were created to take over the entire role of PIU/PSU, although he noted that he did not envision that PIU/PSU would be eliminated. The IG serves two roles: 1. To investigate referrals from the Civilian Review Board, Metro Council, or Mayor, etc., and 2. To review patterns and practices within LMPD. He noted that one of the first reviews the IG may want to examine is why PIU/PSU investigations take so long. He added that the budget of \$763,500 did not envision for the IG to conduct all police investigations.

Hearing no feedback related to Section VIII, Carmen moved on to Section IX, Abolishment of the Citizens Commission on Police Accountability to Create New Citizens Review Board. Deputy Mayor Heslen asked current CCPA members for feedback, and Dr. Ricky Jones indicated that he had no concerns with abolishing the CCPA. Since there were no comments related to Section X, Carmen asked members for suggestions related to the appointment and term of Civilian Review Board members in Section XI. Members suggested that members should be volunteers but eligible to be reimbursed for expenses such as child care or daily wage. Members also suggested that the CRB members should represent all segments of the community including young

people. Related to XII, removal of CRB members, and Section XIII, qualifications for nomination and membership to CRB, work group members made a few comments including members should be a resident of Jefferson County, and provided second chances if convicted of a crime, although one member indicated that volunteer CRB members should have no previous drug charges, or anything other than a traffic ticket. Section XIV, Training for CRB Members, was reviewed and members comments included additional training should include live firearms demonstrations, instruction on physiological and psychological responses to critical incident stressors, ethics, as well as trainings from advocacy and justice groups.

#### **4. Next Steps & Closing**

Councilwoman Paula McCraney thanked everyone for their participation and feedback today. She indicated that the timeline is tight, but with everyone's input and involvement we can move forward. She reminded members that the County Attorney's Office will incorporate today's feedback into the next draft and the plan is for the work group to sign off on the draft to hand off to the Metro Council on July 31<sup>st</sup>. Deputy Mayor Heslen noted that there will be discussions to dive deeper into the interface between PIU, the IG, and the CRB. She gave a special thanks to Kelly Taulbee for assisting with staffing of the CRB work group and Aaron Horner for his efforts to support the group and members of Metro Council involved. As mentioned at the beginning of the meeting, all members will receive a questionnaire regarding the DRAFT ordinance at the conclusion of today's meeting and are asked to submit it to Kelly Taulbee by the end of the day on Monday, July 13<sup>th</sup>.