

Civilian Review and Accountability Board

Meeting Summary

Wednesday, March 22nd, 2023

Members Present: Kellie Watson, Chair; Turney Berry, Vice Chair; Barbara Haigler; Marianna Michaels; Denise Sears; and Antonio Taylor.

Staff: Edward Harness; Ambra Hunter; Erin Spalding; Tracy Carter; Kattie Snow; Stella Dorsey; and Dr. Thomas Whetstone.

I. Welcome and Call to Order

Kellie Watson, Chair, called the meeting to order and welcomed those in attendance.

II. Approval of the Agenda

Turney Berry made a motion to approve the March Agenda. Marianna Michaels seconded the motion. Unanimously passed.

III. Review and Approval of Minutes from February 22nd, 2023

Marianna Michaels made a motion to accept with the omission of an error in the date the February 22nd, 2023 minutes, Barbara Haigler seconded the motion.

IV. Public Comment

None

V. Board Elections

Chair Watson read Article III of the board bylaws regarding the election of the Chair and the Vice Chair. Denise Sears nominated Chair Watson for reelection, Barbara Haigler seconded. It was unanimously accepted. Denise Sears nominated Turney Berry for reelection to Vice Chair, Antonio Taylor seconded. Barbara Haigler made a motion to close nominations, Marianna Michaels seconded. Barbara Haigler made a motion to appoint the nominees, Marianna Michaels seconded. It was unanimously passed.

VI. Discussion and Possible Action:

a. DOJ Report

Chair Watson opened the floor for discussion. Vice Chair Berry asked about the process from getting from the report to a consent decree. IG Harness said it

would be a negotiation between the Mayor and the DOJ and once the terms were agreed to, it would be sent to federal court and signed. Antonio Taylor wanted to discuss the impact of the FOP's rejection of the report. IG Harness said the DOJ was pleased with the FOP's statement because it was more tempered than anticipated; further, the FOP would likely not be a party to the negotiations though KRSP would inform the negotiations. Barbara Haigler said she was surprised by her own reaction to read the report and to see what she already knew in black in white, validated by the DOJ. Chair Watson and Denise Sears concurred. Turner Berry said it really illustrated that the problem was systemic and not just a few bad apples. Denise Sears said it showed a pervasive, toxic environment and asked what our role and how do we respond which was echoed by Antonio Taylor? Is there more that the board can do outside of hearing complaints? She appreciated that the CR&AB and OIG were referenced by the DOJ. Antonio Taylor was disappointed with the response from the Greenberg administration and that they were reactive to the DOJ report instead of proactively meeting with the OIG and CR&AB. Chair Watson said the Mayor and Deputy Mayor did meet with her and IG Harness shortly after he took office in January for about 40 minutes and found them responsive. Denise Sears said we have the MOU which is progress. She highlighted that we made national news on several outlets and that it was not the attention Louisville needed and that the DOJ report should end any denial that there is a problem. Chair Watson said she wanted to look at the recommendations, specifically the 10 out of the 36 that related to complaints, oversight, and transparency. Denise Sears wanted to know if Metro Council had asked IG Harness to present to them, IG Harness said they had not. She said she thought that with 10 new members, we should be able to make a presentation to them informing them of our work. IG Harness said he has reached out to every council member except for two that he is circling back to regarding the Annual Report and moving the agency and the board forward. He said he's had about 14 meetings so far and so we are getting in front of the members individually. He said that there was still more work to be done to inform and educate the council and that the upcoming quarterly report would be a good opportunity. Chair Watson asked everyone take a deeper look at the report before the next meeting. Antonio Taylor wanted to know if there was a way to have LMPD meet with CR&AB annually to report on their progress. IG Harness thought it was a good idea and the board draft a request that there be an LMPD representative at every meeting that can liaison between meeting and the Chief. Barbara Haigler said she wanted to know why LMPD perception of the OIG & CR&AB was so negative. Antonio Taylor was especially concerned by the lack of training by K-9 officers and their dogs. Denise Sears said she supported more training if it was effective, and Chair Watson commented that a cultural

change was needed. Denise Sears said she had heard from a community member that the large number of officers that were prior military and the difference between their roles.

b. MOU LMPD Cooperation (IG Harness)

Chair Watson gave IG Harness the floor. He said that it was of the utmost importance for the OIG to have access to LMPD personnel and the lapel videos and the MOU established both. He said that he and the investigators would be fingerprinted but that LMPD had not let informed him yet of how that was to take place. He said that the Chief wanted to individually compel each officer and that we would be testing that system starting on Friday. Out of the 48 hour notices sent, 3 had been returned “refused to sign.” Further, he thought the MOU was a stop gap measure until the consent decree was signed because he anticipated that it would address some remaining issues such as PSU’s desire to control investigations and how information is requested. IG Harness said the attitude, resistance, and lack of contrition shown by LMPD was surprising given their knowledge of the contents of the DOJ report. He said he thought the lack of cooperation was short-sighted as the OIG could be a great resource for improving policing. He was concerned by the lack of cooperation and engagement by the Chief. Denise Sears asked for clarification because it’s the Interim Chief. IG Harness said he was deferring to how the administration has referred to her but that it was correct she was the Interim Chief. He thought that her being referred to by the administration as Chief instead of Interim Chief influenced her actions. Antonio Taylor said she had reached out to him because she was concerned about the community and their reactions, but it was concerning she wasn’t as engaged with IG Harness. IG Harness said he has not been able to have a one on one substantive discussion with her because she always has her command staff and legal counsel with her. Chair Watson wanted to know if she was trying to become the actual Chief, IG Harness said he believed so and that he had been unable to find any job postings for LMPD Police Chief.

c. LMPD SOP – 2.10.1.1 Interactions with the Civilian Review & Accountability Board and the Office of Inspector General (IG Harness)

IG Harness wanted to update LMPD SOP’s forbidding retaliation and to make sure that SOP was in line with the MOU. Chair Watson said she was glad that the prohibition against retaliation was back in place. IG Harness requested that board recommend the adoption of the SOP to the Chief or to respond within 45

days as to why it is being declined, Denise Sears made a motion, Marianna Michaels seconded. It was unanimously approved.

d. Charles Keyes Removal (IG Harness)

IG Harness said that Member Keys has not attended a meeting since July of 2022. He said he has reached out to Keyes via board email, personal email, and his phone number and has received no response. According to the ordinance, we need to vote to remove him and then report that to Metro Council. Antonio Taylor said that he was concerned that maybe member Keyes was having a personal or health issue. Chair Watson asked if anyone knew him personally and wanted to reach back out. Marianna Michael said she wouldn't want to delay more than another month given the lengths IG Harness has gone to contact him. Denise Sears wanted to know what happened as some of their terms were up on the 25th, IG Harness said they could serve until they were removed or declined but that we were in the process of discussing

VII. Investigations

- a. **02-IG-2023** - Date of Incident, 2/20/2023. Received in office, 2/24/2023. Complainant alleges that LMPD injured her minor son by a weapons discharge. IG Harness recommended a formal investigation as it satisfies the requirements of the ordinance, ss 36.83.A.1&2. the serious injury or death of any individual resulting from police action or inaction. Board unanimously agreed that a full investigation take place.

- b. **03-IG-2023** - Date of Incident, 2/20/2023. Received in office, 2/24/2023. Complainant alleges that LMPD injured complaintants minor son by a weapons discharge. IG Harness recommended a formal investigation as it satisfies the requirements of the ordinance, ss 36.83.A.1&2. the serious injury or death of any individual resulting from police action or inaction. Board unanimously agreed that a full investigation take place.

VIII. Other Business:

Chair Watson wants to circle back to the education and outreach plan from Stachelle Bussey.

IX. Adjournment – Next Regularly scheduled Civilian Review & Accountability Board meeting will be on April 26th, 2023 at 3:00 p.m. location TBD.