

Civilian Review and Accountability Board
Meeting Summary
Wednesday, September 28th, 2022

Members Present: Kellie Watson, Chair; Guillermo Sollano; Antonio Taylor; Denise Sears; Scott Dickens; and Barbara Haigler.

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

I. Welcome and Call to Order

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

II. Approval of the Agenda

Denise Sears made a motion to approve the September Agenda. Antonio Taylor seconded the motion.

III. Review and Approval of Minutes from August 24th, 2002

Barbara Haigler made a motion to accept the August 24th, 2022 minutes, Scott Dickens seconded the motion.

IV. Public Comment

a. None

V. Discussion and Possible Action

a. Hillard Heintze Report (Chair Watson)

Chair Watson opened the floor to the board members for comment regarding section 2, Use of Force and De-escalation. Antonio Taylor asked if this is the most updated Use of Force policy, Chair Watson said she believed that this is not the most up to date version of the Use of Force policy. Guillermo Solano was concerned about updates and how they affect recommendations from the CR&AB, Chair Watson responded that she wanted to be pro-active regardless of whether LMPD was already working on things that CR&AB and the OIG would recommend. Chair Watson would like to request updates on LMPD's progress once the board has had a chance to go through the report and its recommendations. Barbara Haigler thought the recommendations in the section

were sufficient, Guillermo Sollano and Denise Sears concurred. Scott Dickens asked when we expect the DOJ recommendations would come down and what they may suggest, Chair Watson said there were no updates since the DOJ last updated the public and the board should continue to move forward. Chair Watson asked that members review the next section, Search and Arrest Warrants and Crowd Control, for the next meeting.

b. LMPD File Access

a. MOU OIG & LMPD (IG Harness)

IG Harness took a moment to introduce Dr. Thomas Whetstone, the newly hired Office of Inspector General Data Analyst. Chair Watson asked if he had any comments regarding the first two sections of the Hillard Heintze report. He said he didn't have any major issues with it.

IG Harness wanted to start with some context. In March, 2022, IG Harness sent a letter to Chief Shields outlining 4 areas in which he would like improved access: evidence.com for the lapel cameras, access to IAPro for case management, LMPD reports, and weekly status sheet for PIU & PSU investigations. At the time, Chief Shields pledged cooperation. The OIG's office was authorized to start investigations in late June and is running into objections with the information being provided. The office does not have access to evidence.com, reports, or complete access to IAPro. The IG has received pushback regarding access and has been told it is out of a concern for the confidentiality of the officers involved. He believes it is a red herring but spoke with the KY State Compliance office for KY State Police & CJIS who helped IG Harness craft a MOU. LMPD council stated that they are waiting on approval from the FBI to sign off on the MOU. Member Dickens asked how IG Harness experience with LMPD compares to his experience in Albuquerque. He said it was atypical because there are non-sworn personal in LMPD who have access, and the OIG's office has signed multiple confidentiality agreements not to disclose information. His understanding is that we should have been given a license through the department to see any and all body cam video. Evidence.com has a very strong audit trail that makes it easy to maintain a log of who has accessed what information when. IG Harness is meeting with LMPD's legal counsel so that the office can move forward in getting access. Some administrators in Louisville Metro are concerned about ambiguities in the ordinance which is why IG Harness is going through and making recommended updates. At the moment, the OIG's office only

has a single point of contact for all information requests which are routed through the Special Investigations Unit and it is untenable. Chair Watson asked if the lack of cooperation affected officers being available, IG Harness said a detective had already refused to participate in a witness interview related to an investigation. The information the OIG is given is often redacted which impedes investigator's ability to investigate. Scott Dickens asked why it was untenable for everything to go through a single point of contact. IG Harness said that we need direct access and not to go through a representative so we can independently ascertain the veracity of the information. Denise Sears commented that the impediments, inefficiencies, and dynamics really bother her and asked what is the next step. IG Harness said he met with the Deputy Mayor and reviewed the proposed amendments. Next step is to approach Metro Council to find a member to bring them forward; Paula McCraney was suggested by Denise Sears. IG Harness said he would appreciate if board members spoke with Metro Council. Chair Watson said that it was important to document any conversations. This also highlights why the board needs subpoena power to compel documents and cooperation. Scott Dickens thought that they would find any number of objections to subpoenas, Chair Watson said she thought it was still worthwhile to pursue. The next steps would be to either have PSU investigate officers for non-compliance with our office or the more collaborative option is to have the board's and public's vocal support and influence. Antonio Taylor wants to know what can be done to get MOU signed. IG Harness requested Chair Watson author a letter to have the department comply or offer explanation of why not. Motion to author letter made by Denise Sears. Seconded by Scott Dickens; unanimously approved.

b. Ordinance Amendments (IG Harness)

Send suggestions to IG Harness by Oct 12th. IG Harness asked if anyone had comments? None. Antonio Taylor wanted to know if a press release would be appropriate since meeting was live streamed and desire to be transparent. Chair Watson wants to make updates to ordinance first, Denise Sears concurred.

VI. OIG Investigations

- a. **08-IG-2022** – Date of Incident, 10/28/2019. Received in office, 7/28/2022. Hit and run, complainant not satisfied with police investigation. IG Harness recommended no further investigation as it doesn't satisfy requirements of ordinance. Board unanimously agreed that no further investigation take place.
- b. **09-IG-2022** – Date of Incident, 7/18/2021. Received in office, 7/27/2022. Involved vehicle crash with injuries, complaint was that family was not notified by the police. IG Harness recommended no further investigation as it doesn't satisfy requirements of ordinance. Board unanimously agreed that no further investigation take place.
- c. **11-IG-2022** – Date of Incident, 5/16/2021. Received in office, 8/11/2022. Complaint alleges LMPD failed to investigate a shooting death, complainant is the mother who suspects the son's ex. There is no issue of police misconduct or negligence. IG Harness recommended no further investigation as it doesn't satisfy requirements of ordinance. Board unanimously agreed that no further investigation take place.
- d. **12-IG-2022** – Date of Incident, 6/30/2020. Received in office, 8/11/2022. Complained of harassment and missing items. Complainant was previously compensated by the city through Risk Management. IG Harness recommended no further investigation as it was previously addressed. Board unanimously agreed that no further investigation take place.

VII. Other Business

- a. Quarterly Report under §36.85 (A)

The board's End of Quarter report due, IG Harness said requirements are in the ordinance. Chair Watson wanted to know if it was submission of a report only or if presentation is required. IG Harness said it was unknown, Chair Watson suggested submitting it and if they requested a presentation, one could be given.

- b. Hybrid Meetings

Ambra Hunter the office administrator can't find a facility for hybrid meetings; things would have to be purchased out of the OIG's budget. Chair Watson said she understood the desire for hybrid meetings but wants in-person meetings due to the more collaborative and open air of in-person meetings; Scott Dickens concurred. For the time being meetings will be in-person and hybrid meetings are off table. Chair Watson introduced the idea of moving the board meeting time move to 4. Antonio Taylor said he thought that it would help attendance; Scott Dickens said priority should be to

maximize attendance but said we should have survey since it's getting dark sooner, etc. Chair Watson said she would send out a poll.

VIII. Adjournment

Members agreed to continue discussion at the next meeting and were reminded that the next meeting is scheduled for October 26th, 2022, at 3:00 in-person in Rm 106 of the Mayor's Office.