

**Bylaws of
The Civilian Review and Accountability Board
for Louisville/Jefferson County Metro Government**

Preamble

The Civilian Review and Accountability Board and the Office of Inspector General are created and governed by the Louisville Metro Code of Ordinances (LMCO), Sections 36.70 to 36.98. Those ordinal sections are attached to these bylaws as Exhibit A.

LMCO Section 36.70(C) requires the Board to adopt bylaws and other rules as it deems necessary for its organization and proceedings consistent with the laws, ordinances and resolutions of the Commonwealth of Kentucky and Louisville/Jefferson County.

Article I

Name, Offices, Purpose

1.1 Name. The name of this body shall be the Civilian Review and Accountability Board for Louisville/Jefferson County Metro Government (the “Board”).

1.2 Principal Office and Mailing Address. The mailing address of the principal office of the Board is the Louisville Metro Government City Hall Annex, located at 611 West Jefferson Street, Louisville, KY 40202-

1.3 Purpose. The purpose of the Board is provided in LMCO 36.70, as follows:

(A) Increasing citizen involvement in the investigation and review of allegations of police misconduct within the Louisville Metro Police Department (“LMPD”); and

(B) Providing oversight to the Office of Inspector General, which is created by LMCO § 36.78, to ensure the Office of the Inspector General satisfies the responsibilities of the office as provided in LMCO 36.70 to 36.98.

1.4 Records. Until such time as the Office of Inspector General is established and staffed, the Criminal Justice Commission shall be the official custodian of the public records of the Board. The Criminal Justice Commission can be reached at 514 W. Liberty Street, Louisville, KY 40202 and the regular office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. Phone (502) 574-5088, email: crime@louisvilleky.gov

Article II

Membership

2.1 Membership. The membership of the Board is established under LMCO 36.71(A).

2.2 Qualifications. Qualifications for nomination and membership are established under LMCO 36.72(A) and (B).

2.3 Appointments to the Board. Appointments are made pursuant to LMCO 36.71(A).

2.4 Terms of Office. Following the expiration of the initial terms of inaugural Board members, terms are for three years, as established in LMCO 36.71(C). Board members are eligible to serve two consecutive terms. Board members who have rotated off the Board may be considered for reappointment no sooner than three years from the expiration of their final consecutive term and may only serve one additional three-year term upon reappointment.

2.5 Removal. Under LMCO 36.73, the removal process for a member can only begin with a recommendation of two-thirds of the Board and for reasons listed in that section

2.6 Resignation. Any member of the Board seeking to resign from it shall submit his or her resignation in writing to the Chair. The Chair shall forward the written resignation to the Office of the Inspector General.

2.7 Vacancies. Vacancies on the Board are governed by LMCO 36.71(D). Any vacancy which results from removal of a member from the Board shall be filled in accordance with this provision.

2.8 Compensation. Pursuant to LMCO 36.71(F), and subject to budget appropriations and not to exceed the total annual budget allocations for such costs, members shall be:

- (A) Paid \$50.00 per month for months in which the member attends one or more meetings; and
- (B) Paid \$100.00 for each full day of training pursuant to LMCO § 36.76(A)(1).

Article III Officers

3.1 Chair. Pursuant to LMCO 36.71(E), the members of the Board shall elect by majority vote one member to serve as Chair for a term of one year. No member may serve more than two consecutive terms as Chair. The Chair shall be the presiding officer and a full voting member of the Board. The Chair may call special meetings of the Board under the procedures set forth in Article V, Section 5.2 of these bylaws. The Chair may also cancel regular monthly meetings under LMCO 36.77 and Article V of these bylaws. Pursuant to LMCO 36.79(B), the Chair shall participate on the search committee for an Inspector General or shall designate the Vice Chair to serve in his or her place instead. Pursuant to LMCO 36.76(B), the Chair may authorize Board members to accompany LMPD officers on patrol.

Pursuant to LMCO 36.84(B), the Inspector General shall inform the Chair when the Inspector General chooses to initiate non-complaint reviews and examinations of the Louisville Metro Police Department under the powers given to the Inspector General under LMCO 36.82(A)(2). The Chair may require the Inspector General to provide updates to the Board on such non-complaint reviews.

3.2 Vice Chair. Pursuant to LMCO 36.71(E), the members of the Board shall elect by majority vote one member to serve as Vice Chair for a term of one year. No member may serve more than two consecutive terms as Vice Chair. The Vice Chair shall be a full voting member of the Board. In the absence of the Chair, the Vice Chair shall exercise the powers of the Chair.

Additional duties of the Vice Chair shall be as follows:

- (A) Assist, with the Chair, in planning the agenda for meetings of the Board; and

(B) Assume any other duties delegated by the Chair that are not inconsistent with LMCO 36.70 – 36.

3.3 Secretary. A Secretary of the Board may be designated by the Chair to serve for a term of one year. No member may serve more than two consecutive terms as Secretary. The Secretary shall be a full voting member of the Board.

The Secretary of the Board shall:

(A) Record the minutes of each Board meeting;

(B) Submit the minutes of each Board meeting to the Board for approval;

(C) File a copy of the approved minutes with the Inspector General; and

(D) Assume any other duties delegated by the Chair that are not inconsistent with LMCO 36.70 – 36.98.

Article IV Powers and Duties

4.1 Primary Powers and Duties. The primary powers and duties of the Board are established in LMCO 36.74 as:

(A) Following an oral presentation by the Inspector General of any complaint for which the Inspector General has completed an initial screening under LMCO § 36.83(B)(2), the Board shall determine by simple majority vote whether the Inspector General may continue to investigate that complaint;

(B) Review the final reports of any investigations completed by the Inspector General;

(C) Review closed internal police investigations into police shooting cases and incidents involving loss of life due to police action; and

(D) Advise the Mayor, Metro Council, and the Chief of Police on matters relating to the quality and adequacy of internal police investigations, or investigations by the Inspector General, and recommend changes in policy, training, procedures, and staff as a result of its reviews.

4.2 Committees.

(A) Standing and special committees may be established by the Chair or by a majority vote of Board members at a meeting; and

(B) The Chair shall appoint the members of each committee and the members of each committee shall elect a chair.

4.3 Reporting Duties. Pursuant to the requirements of LMCO 36.85(A), the Board shall issue quarterly reports. In addition, the Chair shall report yearly to the nomination sources for each Board member the attendance of that member at all meetings of the Board.

Article V Meetings

5.1 Regular Meetings. The Board's regular monthly meetings, as required under LMCO 36.77, occur on the fourth Wednesday of every month at the offices of the Criminal Justice Commission and by video teleconference. Monthly meetings may be cancelled by the Chair under LMCO 36.77.

5.2 Special Meetings. LMCO 36.77 allows the Chair to call special meetings to satisfy the duties and obligations of the Board as they arise. Board members shall be given at least forty-eight (48) hours' notice prior to any special meeting. The notice and agenda for any special meeting will be posted and distributed in accordance with the Kentucky Open Meetings Act.

5.3 Agenda. The Chair, with the assistance of the Vice-Chair shall prepare the meeting agenda as provided in Section 3.2. In preparing the agenda, they shall consult with the Inspector General.

5.3 Quorum. Pursuant to LMCO 36.71(A), six members shall constitute a quorum for purpose of conducting the business of the Board.

5.4 Voting. A majority of all members present where a quorum of the Board is present shall be necessary to transact any official business, except for:
(A) the removal of a Board member under LMCO 36.73, which requires the vote of eight (8) members; and
(B) the removal of the Inspector General under LMCO 36.81(B), which requires the vote of eight (8) members.

5.5 Public Participation in Board Meetings. All regular, special, and emergency Board meetings shall be open to the public as required under KRS 61.800 to 61.850, and all of the requirements of those sections shall be followed. Public comment at Board meetings is welcomed. Citizens may sign up to give comments in advance of each meeting and comments by each citizen shall be limited to three minutes.

5.6 Video Teleconference. Members of the Board and members of any committee designated by the Board may participate in a meeting of the Board or such committee by video teleconference pursuant to the Open Meetings Act under KRS 61.826. All members participating in the meeting must be seen and heard by each other and by members of the media and the public.

Article VI Confidentiality, Ethics and Communication

6.1 Confidentiality. Under LMCO 36.75, each Board member must sign and adhere to a confidentiality agreement regarding any ongoing investigations and reviews.

6.2 Official Statements and Media Contacts.

(A) Only the Chair or a member with prior written approval from the Chair shall make official statements for the Board. Nothing herein shall be deemed to prohibit a member from expressing his or her individually held opinions or perspectives so long as such expressions do not violate the terms of the confidentiality agreement to which the Board member is a party or the provisions set forth in LMCO, Sections 36.70 to 36.98.

(B) When responding to media or other public inquiries, members of the Board shall comply with the terms of the signed confidentiality agreement and any and all state and federal laws requiring confidentiality of law enforcement records, information and confidential personnel records and respect the privacy of all individuals involved.

(C) Regardless of whether a Board member does or does not choose to respond to a media inquiry about a topic which is not made confidential under the confidentiality agreement, the member should use reasonable judgment in determining whether to refer the inquiry to the Chair or Inspector General for handling.

6.4 Ethics. Pursuant to LMCO 36.71(G), Board members are subject to the Metro Ethics Code in LMCO Chapter 21. Violations of any provision thereof shall be cause for removal under LMCO 36.73.

6.5 Conflicts of Interest; Board Member Recusal. Members who believe they have a conflict of interest on a matter about to come before the Board shall state the reason for the conflict of the interest and shall not participate in the discussion of the matter or in any vote on the matter.

**Article VII
Bylaws and Rules**

7.1 Amendment of Bylaws. A proposed alteration, amendment, repeal, or enactment of a new provision of the bylaws must be submitted in writing to the Board at a Board meeting. No proposed alteration, amendment, repeal, or new provision shall be voted upon until a Board meeting subsequent to the meeting at which the proposal is offered. In order for any proposed alteration, amendment, repeal or new provision to become effective, it must receive the affirmative vote of a minimum of eight (8) members of the Board. No such alteration, amendment, repeal, new provision shall be retroactive, but shall become operative at the time such affirmative vote is made or at such time in the future as the Board may designate.

This section does not include: amendments to the listing of Principal Office and Mailing Address under Section 1.2 of these bylaws; or to the designation of the official records custodian under Section 1.4 of these bylaws; or to the dates, times and locations of regular meetings of the Board under Section 5.1 of these bylaws. These sections may be amended by majority vote at a regular Board meeting.

7.2 Parliamentary Rules. Robert's Rules of Order, Modern Edition, shall govern the proceedings of the Board in all areas in which they are applicable and not inconsistent with, the Louisville Metro Code of Ordinances, or the Kentucky Revised Statutes.