

Chairman Westerfield and members of the Senate Judiciary Committee:

Thank you for the opportunity to speak to you today in support of Senate Bill 247.

My name is Steve Poe, CEO of Poe Companies and Co-Chair of the Public Safety Committee of Impetus. Impetus is a group of citizen volunteers whose sole mission is to serve our community. We are faith, education, and business leaders from across Louisville who were brought together by the late David Jones Sr. Mr. Jones grew up in one of Louisville's most disadvantaged neighborhoods. He believed that systemic racism, persistent poverty, widening educational and income gaps could be overcome by listening, understanding, and then taking action. To help realize this vision, Impetus is committed to doing its part to build a strong community that can actively overcome intrinsic hardships and injustice.

The Citizens Review Board was created in Louisville as a tool to build a more transparent, ethical, and trusted police department in our community. Metro Council, volunteer citizens, and City Hall came together to form a workgroup who participated in a nearly six-month process listening to testimony and ideas about how best to create this new board. Additionally, the workgroup engaged legal counsel through the Office of the County Attorney to provide legal expertise on how best to construct the new board and the enacting ordinance.

When Councilwoman McCraney asked Impetus for our help in trying to finalize the creation of the new CRB, we began our process by listening, which we have done for the better part of the last six months. Listening to members of the police department, members of the FOP, numerous members of the General Assembly, the Speaker of the House, and President of the Senate, and a wide representation of activists in our community, just to name a few. Our conclusion from these conversations is that the Citizens Review Board must have subpoena power to be effective.

Louisville is a great city, with enormous capacity for healing. Our objective in helping to ensure the effectiveness of the CRB is solely to help our city heal. We heard from the activist community that the CRB must be effective or it will be just another example of a failed effort to build better and trusted law enforcement. We heard from elected officials a deep distrust of granting subpoena power to "unelected" officials. We heard from Louisville's new Chief of Police that she welcomes a robust, vigorous CRB that can help her as she leads our law enforcement team forward.

One of the simple lessons that Mr. Jones used to talk about when he put this group together was for us to be wise in the issues we tackled. Since our founding, through our Education workgroup, we have targeted successfully implemented reforms in school board governance that are helping the JCS school superintendent in Louisville to make tremendous progress in rebuilding our public school system. We supported a targeted effort to improve Louisville's ability to attract new business by partnering with our airport authority to significantly improve Louisville's air service.

As important as those initiatives are, our ability as a city to begin the momentous work of healing a racial divide, including implementing the tools to ensure safe and judicious law enforcement, are paramount. We have come to Frankfort to ask for your help in creating an effective Civilian Review Board. We have not been distracted by side issues regarding the Mayor or other complaints about how our city may function. We are focused on and asking for the passage of SB 247.

SB 247 requires the Inspector General to seek authority for a subpoena from the individual best suited to determine the legal efficacy of the tool—an elected circuit judge. SB 247 has important language that allows the investigations to be conducted in a confidential manner as appropriate. And, finally, nothing in SB 247 impairs the rights of any officer to be denied her/his constitutional rights to counsel or the right not to incriminate. Those rights are enshrined in our Bill of Rights.

Today, the police must go to a Judge to obtain a subpoena for the records of civilians or to obtain a search warrant. The police cannot prosecute a civilian nor convict them of a crime. We are asking for the same for the Civilian Review Board: the right to ask a Judge to issue a subpoena to investigate specific complaints that appear to be unjust. The CRB will have NO authority to prosecute or hand out discipline, only investigate. It seems that if we can trust a judge to protect the rights of our citizens, we can also trust a Judge to protect the rights of our Police.

My co-chairperson, Jennifer Hancock, whom many of you know as CEO of Volunteers of America, wrote in a piece in the Courier Journal last September that “the hard truth is that Louisville is broken. Protests and unrest are evidence of a need for change. The issues causing turmoil are real and demand a difficult conversation about race. To mend our city, we must talk honestly and with respect for each other. And for any of us who may have refused to listen before, let's finally listen now — and learn.”

I want to be clear; this issue is not just about last summer. Take for example the story about a sixteen-year-old Oldham County girl in 2013. She was part of the Explorer program and was harassed by one of the LMPD officers that participated in the program. He harassed her repeatedly, including sending her suggestive pictures and texted her asking if he should wear his uniform or “no clothes at all” to a meeting with her. Her parents did the right thing and reported it to the police. The police, after interviewing the family, opened no file on the case. They did not record the interview and they kept no notes, contrary to policy and practice. They assured the family that “they would take care of it”. LMPD allowed the officer to retire from duty. Four years later he was indicted and convicted of sexually exploiting teens.

For Louisville to have the capability to conduct thorough and independent investigations of its police department, we must have a critical tool to compel cooperation in retrieving witness testimony, information, and records. Why should any police-involved investigation be restricted by the lack of information or cooperation? How is that going to help hold any party accountable if there is foul play, or exonerate parties wrongfully accused? We believe that most Police officers are honest, good people and are unfairly tainted by those few who are not. We support the Police and rely on them to keep our city safe, but the public needs to know and feel assured that the bad actors will be held accountable.

Only through this legislation can Louisville fully realize more citizen oversight and build trust and accountability in our city.

My day job is building businesses and creating jobs in Louisville. Since 2001 my partners and I have invested over a half a billion dollars in downtown Louisville. We need your help. If people believe their voices have not been heard and there is NOT a fair and transparent system to hear and act on their complaints, then I expect protest will continue and that will have a very negative impact economically on our City. This is a targeted ask that will complete the work begun by lots of our fellow citizens who love our community and want justice.

I would like to leave you with one final thought. Our community has spoken. After thoughtful and inclusive discussions with a wide spectrum of citizen and official groups, our local governing body took a courageous step and voted 25-1 to create this citizen oversight framework with an office for an independent investigator. I urge you to prevent our civilian review board and the inspector general from becoming a toothless initiative. We need our General Assembly to act and rightfully empower the Inspector General, through Circuit Court, with the authority our community has CHOSEN to pursue truth and justice. This power can ONLY be established by YOU.

Thank you.