

1 AN ACT relating to oversight of the police for a consolidated local government and
2 declaring an emergency.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) For the purposes of investigating and reviewing the policies, procedures, and*
7 *operations of a consolidated local government's police department, and*
8 *investigating complaints involving any member of the police in his or her*
9 *interactions with the public, the consolidated local government may establish, by*
10 *ordinance, governmental bodies to operate independently of the police*
11 *department. Those bodies shall include but not be limited to:*

12 *(a) An investigatory office to be led by an individual appointed by the mayor;*

13 *and*

14 *(b) A board made up of residents of the county containing the consolidated*
15 *local government to provide oversight to the leader of the investigatory*
16 *office.*

17 *(2) For each governmental body established under subsection (1) of this section, the*
18 *ordinance shall include but not be limited to direction regarding each body's*
19 *powers, duties, membership, internal protocols, and reporting requirements. The*
20 *governmental bodies may adopt bylaws, policies, and procedures to facilitate their*
21 *operations that are not inconsistent with the direction outlined in the ordinance.*

22 *(3) (a) On behalf of the board established in subsection (1)(b) of this section, the*
23 *appointed leader of the investigatory office established in subsection (1)(a)*
24 *of this section shall have the power to administer oaths and by subpoena*
25 *which has been reviewed and approved by a consolidated local government*
26 *committee or other local body designated by the legislative body of the*
27 *consolidated local government for that purpose to compel the testimony of*

1 witnesses or the production of documents, books, papers, or other records.

2 (b) Subpoenas issued under this subsection shall be served in the same manner
3 as subpoenas for witnesses in civil cases.

4 (c) In case of failure or refusal to obey a subpoena, the appointed leader of the
5 investigatory office may petition the appropriate Circuit Court to compel
6 obedience by proceedings for contempt as in the case of disobedience of a
7 subpoena issued from the Circuit Court.

8 (4) (a) Notwithstanding any provision of law to the contrary, when the civilian
9 board established in subsection (1)(b) of this section reviews, discusses, or is
10 presented with information on potential or ongoing investigations
11 conducted by the investigatory office established in subsection (1)(a) of this
12 section, those portions of the board meetings may be in a closed session,
13 subject to the requirements of KRS 61.815(1). A closed session shall only
14 occur following an open session and, at the conclusion of the closed
15 session, the board shall immediately convene an open session and provide a
16 summary of what occurred during the closed session.

17 (b) 1. Information and record copies that are confidential under state or
18 federal law and are provided to any board or investigatory office
19 established under subsection (1) of this section by any entity shall not
20 become the information and records of the board or the office, and
21 shall not lose their confidentiality by virtue of the access of the board
22 or investigatory office to the information and records.

23 2. Any original information and records used to generate information
24 and record copies provided to a governmental body established under
25 subsection (1) of this section by any agency shall be maintained by
26 that agency in accordance with state and federal law and shall be
27 subject to KRS 61.870 to 61.884. All open records requests for those

1 materials shall be made to the appropriate agency, and not to the
2 bodies established under subsection (1) of this section, or any of the
3 board members. Information and record copies provided to the bodies
4 established under subsection (1) of this section shall be exempt from
5 KRS 61.870 to 61.884 and, at the conclusion of the investigation, all
6 copies of information and records provided shall be destroyed by the
7 investigatory office.

8 3. Nothing in this paragraph shall be construed to exempt records
9 generated by the bodies established in subsection (1) of this section
10 from KRS 61.870 to 61.884, or from the records retention provisions
11 under KRS 171.420 to 171.740, unless the records are otherwise
12 exempt under any of those provisions or other provisions of law.

13 (c) The proceedings, records, opinions, and deliberations of bodies established
14 in subsection (1) of this section shall be privileged and shall not be subject
15 to discovery, subpoena, or introduction into evidence in any civil action in
16 any manner that would directly or indirectly identify specific persons or
17 cases reviewed. Nothing in this subsection shall be construed to restrict or
18 limit the right to discover or use in any civil action any evidence that is
19 discoverable independent of the proceedings of the bodies.

20 ➔Section 2. Whereas the creation of a new citizen review and oversight board and
21 an investigatory office is important and faces time-sensitive issues to promote police
22 accountability, enhance transparency and trust, protect the rights of residents, and reduce
23 complaints, an emergency is declared to exist, and this Act takes effect upon its passage
24 and approval by the Governor or upon otherwise becoming a law.