

Consent decree

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“Our commitment to these critical reforms has not wavered,” the introduction to the commitment states. “We are moving forward with the implementation of these measures voluntarily...”

The previous order was a court-enforced agreement that was legally binding. The new commitment is a voluntary pledge by LMPD and Metro Government to implement some of the same reforms as the previous consent decree, but without the court oversight.

Essentially, the new “decree” acts like an internal policy instead of a legal contract overseen by a judge.

The document outlines a framework for the implementation of Louisville’s consent decree, the role of an independent monitor and several other key pieces of the original DOJ consent decree. It is signed jointly by Mayor Craig Greenberg and LMPD Chief Paul Humphrey.

The DOJ’s consent decree laid out formal milestones for choosing an independent monitor and key deadlines for implementation. Many of those formal milestones were included in Louisville’s new plan, including the monitor working with Metro Government and LMPD to develop an implementation plan in the next 12 months.

Similarities and differences in the consent decrees

While the structure of each plan is nearly identical, covering topics such as use of force, community policing,

misconduct investigations and behavioral health response, there are subtle changes within many of the topics.

The two documents don’t offer a complete side-by-side comparison, especially since the new commitment outlines the plan in a different order than the DOJ’s decree. The original decree also includes more compliance-related definitions.

For instance, a Courier Journal analysis of the reports shows the DOJ established “at least biennial mandatory supervisory training for all current supervisors,” whereas the new plan does not specify a time for supervisory training and instead deems it “ongoing.”

And while the independent monitor in the federal consent decree would submit their budget proposal to the court, under the city’s document, it is now Louisville Metro Government that approves their budget.

There are also some glaring omissions. In a section about training for using conducted electrical weapons, such as Tasers, the city’s document removes a line from the federal consent decree that mandates officers be taught about “the risks to persons exhibiting signs of mental illness, substance use, or experiencing behavioral health crisis.”

In its wide-ranging investigation of LMPD that preceded the consent decree negotiations, the DOJ determined LMPD violates the Americans with Disabilities Act with how it responds to individuals with behavioral health disabilities.

The DOJ found nearly one quarter of LMPD’s uses of force were against people experiencing a behavioral crisis and that “Louisville Metro and LMPD have subjected many individuals to an unnecessary or overly aggressive LMPD response during a behavioral health episode, violating the ADA.”

Louisville’s document also removed language from the federal consent decree

that mandated officers only use department-issued weapons absent extenuating circumstances.

A smaller difference is that the federal consent decree established a Sexual Assault Response Team, whereas the new plan establishes a group called the Sexual Assault Response Advisory Board. Their protocol was nearly identical, with both set to review a sample of all reports of sexual assault “at least every six months.”

The city’s document additionally removed a line about how “Louisville Metro and LMPD will ensure that all members of the public receive equal protection of the law, without discrimination based on race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or disability.”

However, the city retained a line prohibiting considering the officer’s “race, gender identity, sexual orientation, national origin, age, ethnicity, or familial relationships” when considering discipline.

Transition to self-reporting

A portion of the DOJ decree that Louisville kept is referred to consistently as the “principal section,” defined in the new plan as “a group of paragraphs that is designated by a separate primary heading regarding areas of reform identified by the DOJ Report.”

Louisville’s plan includes a transition to self-reporting that was never included in the original DOJ decree. This transition would take place after the city has met requirements of “substantial compliance” for two consecutive years. “Substantial compliance” is defined by Metro Government and LMPD as demonstrating they have:

- Incorporated into policy the “prin-

cipal section,” or portions of the original decree;

- Trained relevant personnel as necessary to implement the requirements in accord with policy;
- Conducted audits to confirm that “relevant personnel consistently and substantially perform in accordance with the Key Objectives of the Principal Section;”
- Collected and analyzed relevant data;
- Published relevant public reports;
- Accomplished “sustained improvement in constitutional and lawful public safety and emergency response service, as demonstrated by the data collection and analysis provisions of that section.”

The document states Louisville did not wait for the DOJ’s investigation or negotiations to finish to make changes, including more than 260 policies for LMPD to “enhance accountability, transparency and effectiveness in policing,” as well as the creation of LMPD’s Accountability and Improvement Bureau.

That bureau includes a compliance unit; performance division; performance review board; specialized unit dedicated to reviewing use of force investigations and non-sworn professional staff in training; curriculum development; wellness and audits.

The DOJ’s decree was 242 pages, which is 28 pages more than the current agreement. You can find that agreement here.

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Community

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the Louisville and Minneapolis police departments, saying the lawsuits were based on “wrongly equating statistical disparities with intentional discrimination and heavily relying on flawed methodologies and incomplete data.” The DOJ will also close investigations and retract findings of constitutional violations for six other police departments.

Lyndon Pryor, president and CEO of the Louisville Urban League, said many in the community suspected the consent decree would not be completed, especially after President Donald Trump took office. Trump has long been outspoken against police reform and revoked Biden-era executive orders that promoted “accountable policing and criminal justice practices.”

“For those who have been following this, this is not surprising,” Pryor said. “I think we’ve been anticipating this. Quite honestly, I have privately urged the city to move forward without federal government, because I knew that we weren’t going to get much help from the federal government.”

Pryor said ensuring community involvement will be not only up to the mayor but also Louisville Metro Council.

“The big question for all of them is, how is that going to be maintained?” Pryor said. “Where is the community going to be able to have influence over what happened? Because ultimately, the reason we are here today is because over the years, the administration has been unable and/or unwilling

to hold themselves to true, transformational change.”

Metro Councilwoman Shameka Parrish-Wright said the end of the consent decree is what “everyone feared,” but the work to create systemic reforms will continue.

“The people of Louisville deserve accountability and transparency on every level. Our Louisville Metro Police Department has proven that they are unable to police themselves equitably,” Parrish-Wright wrote in a text to The Courier Journal. “There are too many abuses of power internally and externally. I now fear another uprising because that is the language of the unheard.”

Parrish-Wright was heavily involved in 2020 protests over the police killing of Breonna Taylor, which sparked a federal investigation that led to the consent decree.

“My role has shifted from 2020, and I will keep doing what I can to push for the unbiased and uncorrupted community protection we deserve,” she continued. “For too many years, we know that our mayor, his administration, and the police chief are incapable of doing it all alone. They must let the people in to help, and we must use Mayor Greenberg’s desire for re-election to push for it because that’s all we have.”

Speaking after the announcement, Metro Councilman JP Lyninger took issue with Greenberg’s five-year timeline for the city’s new plan, saying under the consent decree, “five years was a goal, not a deadline.”

He added: “The consent decree isn’t a checklist where we say ‘problem solved, we moved on.’ It’s continual, continual checks on how are we doing, what did we do wrong, what did we do right?”



Louisville metro council members Tammy Hawkins and JP Lyninger talk about the consent decree between Louisville and the DOJ being dismissed by the federal government. May 21.

MATT STONE/COURIER JOURNAL

Lyninger and Metro Councilwoman Tammy Hawkins said they want a Metro Council ordinance to ensure police reforms are enacted.

Kentucky Sen. Keturah Herron echoed that call, saying the consent decree extends beyond the current mayoral administration, and the plan will need a longevity of more than five years.

Louisville Metro Council’s Minority Caucus, in a statement May 21, welcomed the DOJ’s decision to dismiss the lawsuit against Louisville, reiterating the argument that police reforms are “best accomplished by persons closely associated to this community rather than out-of-town, federally appointed persons who benefit from a slow and more costly consent decree, and who have no accountability to the people of Louisville.”

The Republican lawmakers added they are “committed to getting officers the resources they need and supporting reforms” that help reduce crime while improving community engagement.

In a statement, the ACLU of Kentucky said it would take “hard work” to fix LMPD’s “ongoing” problems.

“Louisville Metro Police Department (LMPD) has a systemic, long-term, and ongoing problem of unconstitutional policing and lack of transparency,” ACLU of Kentucky Legal Director Corey Shapiro said. “The consent decree was an opportunity to repair some of the broken trust between LMPD and the community. While we understand Louisville will be implementing a voluntary version of that consent decree, Louisville Metro Government and LMPD must begin the hard work of demonstrating, through transparency and accountability, that they will do what is right, even without the Federal government’s involvement.”

Chanelle Helm, an organizer with Black Lives Matter Louisville, said fighting for systemic change was always going to be an uphill battle.

“Most of us never had faith that law enforcement at any level in Louisville, in Kentucky, in the U.S. was going to see justice and do right by Black folks,” Helm said. “Largely, we always know that civil rights were never applied to us, and we would always have to fight for them. In this moment, we’re just hoping people who have been terrorized by LMPD know that we got each other and that we’re building spaces for each other to take time for ourselves. This is not the end.”

Reporter Molly Gregory contributed. Reach reporter Keely Doll at kdoll@courierjournal.com.

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