

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT,

Defendant

Case No. 3:24-CV-00722-BJB

Electronically filed

MOTION BY ACLU OF KENTUCKY AND 14 OTHER LOUISVILLE COMMUNITY ORGANIZATIONS FOR LEAVE TO FILE AMICUS CURIAE BRIEF SUPPORTING ENTRY OF THE PARTIES' NEGOTIATED CONSENT DECREE

Pursuant to this Court's December 28, 2024 Order (DN 18), *amici curiae* – the ACLU of Kentucky and 14 other Louisville community organizations (collectively, *amici*) – respectfully seek leave to file the accompanying *Brief of Amicus Curiae In Support of Parties' Motion for Consent Decree*, attached as Exhibit 1, in the above-styled action.¹ In support of its motion, the *amici* submit the following:

STATEMENTS OF INTEREST AND EXPERTISE

The *amici* are fifteen organizations located in (or whose work includes) Louisville, Kentucky. As described below, all have been working towards improving police practices and/or for greater transparency from Metro Louisville, and now wish to express their support for entry of the parties' negotiated Consent Decree.

¹ Undersigned contacted the parties regarding this motion. Plaintiff and Defendant both have no objection to the filing of the brief.

ACLU of Kentucky

The ACLU of Kentucky is a statewide, Kentucky-nonprofit affiliate of a national civil rights organization that is dedicated to the promotion and defense of individuals' civil rights and civil liberties, and whose office is located in Louisville, Kentucky. As part of its mission, the ACLU of Kentucky advocates for improved police practices and criminal legal reform. Moreover, courts have frequently permitted the ACLU of Kentucky to file amicus curiae briefs in civil rights cases. *See, e.g., Arkk Properties, LLC, et al. v. Cameron, et al.*, 2023 WL 5170496 (Ky. 2023); *Chelsey Nelson Photography, LLC v. Louisville/Jefferson Cty. Metro Govt.*, Case. No. 19-cv-851, Doc. # 34 (W.D. Ky. Feb. 19, 2020); *Champion v. Commonwealth*, 2016 WL 4973367 (Ky. 2016).

The 490 Project

The 490 Project is a Louisville based organization whose mission includes calling upon Louisville Metro and LMPD to reimagine public safety that invests in community care. As part of that mission, the 490 Project seeks greater accountability and transparency from Louisville Metro and LMPD, and with increased input from the community. The 490 Project has engaged with our Metro Government around many of the issues in the Complaint and Consent Decree seeking greater transparency and accountability in policing, record management, budget process, citizen concerns and other issues for a safer and more inclusive Louisville

DOVE Delegates

Diverse Options: Voice & Empowerment (DOVE) is a Louisville-based organization born directly out of the calls for justice for Breonna Taylor and was part of the team that developed the City of Louisville's Crisis Call Diversion program. DOVE has advocated for a comprehensive mental health crisis alternative based on the need and concerns highlighted by community. DOVE's

mission is to collaborate with community members and service providers to create new systems of authentic care, justice, reparation, and accountability. DOVE strives to lead with healing, reimagine and redefine mental health support, build community capacity through support and education, and move toward justice.

Fairness Campaign

The Fairness Campaign, based in Louisville, is Kentucky's LGBTQ civil rights advocacy organization. The Fairness Campaign seeks to dismantle oppression and build an inclusive community where all individuals are valued and empowered to reach their full potential. We believe full transparency and transformation of the LMPD is essential to the health and well-being of marginalized communities within Louisville Metro.

Families United

Families United is a Louisville-based community organization dedicated to advocating for justice and accountability in policing, with a focus on supporting families directly impacted by police violence. We work closely with affected communities to elevate their voices, ensure systemic change, and promote equitable public safety practices. We work toward rebuilding trust between law enforcement and the community, improving transparency, and preventing further harm.

Forward Justice Action Network

Forward Justice Action Network (FJAN) is a 501(c)(4) organization that engages in educational and advocacy activities to promote political and grassroots support for laws and public policies that advance racial, social, and economic justice in the U.S. South. Alongside our partners and constituents in Louisville, FJAN has been deeply involved in Consent Decree process and a leading participant in facilitating engagement in community listening sessions and community

forums with the US Department of Justice and other stakeholders to determine community harm and need in the LMPD public consent decree resolution. As parties to this amicus brief, Forward Justice Action Network brings to bear a history of deep engagement in seeking racial and economic justice in Louisville, Kentucky and expertise in reducing harm to particularly Black and Brown communities from excessive and unconstitutional policing practices.

Interfaith Coalition for Immigrant Justice

The Interfaith Coalition for Immigrant Justice is a Louisville coalition of individuals, faith leaders and diverse faith communities called by our conscience and by our context to respond actively and publicly to the suffering of immigrants in our community.

Kentucky Alliance Against Racist and Political Repression

The Kentucky Alliance Against Racist and Political Repression has been working for police reform in Louisville for many years. The Breonna Taylor case is just one of many negative police incidents that have created a community demand for police reform.

Kentucky Equal Justice Center

The Kentucky Equal Justice Center's mission is to ensure Kentuckians have access to justice. We serve Kentuckians in poverty and other vulnerable populations through legal representation and advocacy: in courtrooms, in the Capitol, and in the community. Transparency and accountability for those in power are vital to the equal application of justice. This consent decree is an important step toward ensuring that those charged with serving and protecting do so in a manner that respects civil rights and allows all Kentuckians access to the justice they deserve.

Kentucky Open Government Coalition

The Coalition is a Kentucky nonpartisan, nonprofit corporation founded in 2019. The Coalition engages in education and outreach aimed at promoting broader public understanding and

use of Kentucky's open records laws; offers training for the public and public officials designed to foster both compliance with, and appreciation for, the value of, open records laws; assists citizens and the news media in challenging improper agency action under the laws; and monitors and reports on judicial, legislative and administrative developments in the laws as a means of furthering the goal of open government. Given its demonstrated commitment to, and efforts on behalf of, government transparency and accountability, the Coalition has an immediate and direct interest in ensuring that, where appropriate, instruments executed by federal and state authorities that are aimed at securing public agency transparency and accountability, like the Consent Decree, are supported by, and consistent with, Kentucky's open government laws.

Louisville Urban League

The Louisville Urban League is a nonprofit, nonpartisan, community service organization dedicated to eliminating racism and its adverse impacts on the community. The League's mission is to assist Black people and other marginalized populations in attaining social and economic equality through direct services and advocacy. As part of a broader National Urban League network of historic civil rights organizations throughout the United States, the Louisville Urban League, like all affiliates, is dedicated to fostering economic empowerment to elevate the standard of living in historically underserved urban communities, with our focus on Jobs, Justice, Education, Health, Housing, and Black Business.

The Salaam Network

The Salaam Network (TSN) is an educational network, based in Louisville, which aims at creating harmony and wholeness in the face of divisions such as Islamophobia and other forms of discrimination including racism, sexism, classism, and exclusivism on grounds of religion, ethnicity, culture and political affiliation. TSN works toward making Louisville free of disunity,

division, and discrimination, so that it can experience safety, a sense of well-being, positive energy, and peace of heart, mind, and spirit.

The Sister Thea Bowman Society, Louisville Chapter

The Sister Thea Bowman Society, Louisville Chapter, works towards racial solidarity to bring God’s reign amongst all peoples.

VOCAL-KY

Voices of Community Activist and Leaders-Kentucky (VOCAL-KY) is a membership-led nonprofit focused on ending the failed drug war, homelessness, HIV/AIDS, and mass incarceration. We do this through leadership development, being BIPOC led while working with our community partners on winnable demands and policies that save and improve lives in Louisville and Kentucky.

ARGUMENT

Whether (or not) to allow the filing of an amicus curiae brief is within a court’s “sound discretion . . . upon a finding that the proffered information of amicus is timely, useful, or otherwise necessary to the administration of justice.” *United States v. Michigan*, 940 F.2d 143, 165 (6th Cir. 1991) (cleaned up). “In determining whether to grant leave to file amicus briefing, courts consider several factors, including adequate representation, cognizable direct interest in the outcome, and whether the proposed amici addresses matters or advances arguments different from those raised by the parties.” *Moore v. Humana, Inc.*, 2022 WL 20766503, at *2 (W.D. Ky. Mar. 31, 2022), *reconsideration denied*, 2022 WL 20766504 (W.D. Ky. Dec. 2, 2022) (citing *Nat’l Air Traffic Controllers Ass’n, MEBA, AFL-CIO v. Mineta*, 2005 WL 8169395, at *1 (N.D. Ohio June 24, 2005)).

Here, the parties' pending motion to enter the consent decree presents an important issue regarding critical and necessary changes to how LMPD operates, and the resolution of that motion will directly impact the organizations and the communities they support. *Amici* have been engaged in these issues for years, and their perspective would aid the Court in its consideration of the Parties' Motion. And finally, this motion for leave to file an amicus brief is timely submitted, as set by this Court's December 28, 2024 Order (DN 18).

WHEREFORE, for the foregoing reasons, this Court should grant the instant motion for leave to file an *amicus curiae* brief in support of the parties' Motion for Consent Decree, and order that the tendered amicus brief be filed in this action.

Further, counsel for *amici* requests permission to address specific issues that may arise at the hearing on January 13, 2025, if necessary.

Respectfully submitted,

/s/ Corey M. Shapiro
Corey M. Shapiro
William E. Sharp
ACLU OF KENTUCKY FOUNDATION
325 W. Main Street, Suite 2210
Louisville, KY 40202
(502) 581-9746
corey@aclu-ky.org
wsharp@aclu-ky.org
Counsel for ACLU of Kentucky

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was filed electronically on January 10, 2025 *via* the Court's CM/ECF system, which will send electronic notice to counsel of record:

/s Corey M. Shapiro
Corey M. Shapiro
ACLU OF KENTUCKY FOUNDATION