



LEXINGTON

Mayor's Commission for Racial Justice & Equality

Report to Mayor Linda Gorton

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October 23, 2020

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Kim Sweazy, Toyota Motor Manufacturing of Kentucky

Patrice Muhammad, Journalist & Media Professional

Tyrone Tyra, Commerce Lexington

Salvador Sanchez, Small Business Owner

Darryl Thompson, Fayette County Public Schools

Dr. John H. Harris, Former Dean, UK College of Education

Marcus Patrick, Urban Impact

Rachelle Dodson, Bankruptcy Attorney

Hon. Reginald Thomas, State Senator

Erin Howard, Bluegrass Community & Technical College

Hon. Mark Swanson, Councilmember

Housing & Gentrification

Shayla Lynch, Vice-Chair -- Ampersand Sexual Violence Resource Center

Ray Sexton, Vice-Chair -- Human Rights Commission

Hon. George Brown, State Representative

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Dr. Rich Schein, UK College of Arts & Sciences

Harding Dowell, Architect

Rachel Childress, Lexington Habitat for Humanity

Russ Barclay, Lexington Community Land Trust

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Robert Hodge, Hodge Properties

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Dr. Tukea Talbert, Vice-Chair -- UK HealthCare

Kacy Allen-Bryant, Lexington Board of Health

Mark Johnson, Public Health Advocate

Dr. Adu Boateng, Psychologist

Dr. Mara Chambers, UK HealthCare

Timothy Johnson, United Way of the Bluegrass

Michael Halligan, God's Pantry Food Bank

Dr. Brandi White, UK Health Sciences

Dr. Jai Gilliam, Physician

Rabbi Shlomo Litvin, Chabad of the Bluegrass

Stephen Overstreet, Youth Advocate

Vivian Lasley-Bibbs, KY Public Health - Office of Health Equity

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Law Enforcement, Justice, & Accountability

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Hon. Melissa Murphy, Fayette District Court Judge

Hon. Kathy Witt, Fayette County Sheriff

Kimberly Baird, Fayette Commonwealth's Attorney's Office

Briana Persley, Partners for Youth

Asst. Chief Brian Maynard, Lexington Police

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Hon. Ernesto Scorsone, Fayette Circuit Court Judge

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INTRODUCTION

In June 2020, we were asked by Mayor Linda Gorton to assist her office with organizing a Commission to address systemic racism in this community. Together, we agreed on the name, purpose, guiding principles, subcommittee members, and objectives and goals of the Commission.

The Mayor's Commission for Racial Justice and Equality was formed with a determined and defined purpose: *To assemble diverse community members to listen, discuss, and create empowering solutions that dismantle systemic racism in Fayette County.* Acknowledging the problems, asking questions, addressing obstacles and recommending specific actions served as the guiding principles for the task at hand.

The five subcommittees of this Commission include: Education & Economic Opportunity; Housing & Gentrification; Health Disparities; Law Enforcement, Justice, & Accountability; and Racial Equity. Seventy citizens representing diverse groups were appointed to lend their knowledge and expertise to these working groups. The list included judges, educators, social workers, businessmen and women, community activists, faith leaders, members of the law enforcement community, and elected officials. Each subcommittee was assigned two vice-chairs to oversee meetings, frame discussions, facilitate community input and write a report outlining the challenges and opportunities in their sector(s), as well as make recommendations that will address racial inequalities.

In preparing the individual subcommittee reports, a total of 38 virtual meetings were held. These meetings involved thoughtful questions, robust discussions, presentations from experts, and the thorough examination of a wide range of documents. Over 7,000 citizens viewed the meetings, and the subcommittees received more than 100 emails. To further ensure community input, the subcommittees were divided into three, 90-minute virtual town hall meetings. Held in late July and early August, these meetings were moderated by Renee Shaw, Kentucky Educational Television Public Affairs Managing Producer and Host.

Each town hall had a slightly different focus. The first meeting involved the Racial Equity and Education & Economic Opportunity subcommittees. This forum centered on the distribution of resources in the community, and the systemic means by which they are invested. It solicited ways to fill historic racial gaps in employment, education, and business by creating partnerships with secondary and higher learning institutions and other local organizations.

The second town hall on Health Disparities focused on the social, cultural, economic, and environmental obstacles African Americans face receiving healthcare in Fayette County. It explored issues of access, insurance, and other factors that explain the chronic health conditions of this population. The meeting also provided a venue for discussing how the Fayette County community-at-large, and private organizations, might significantly reduce these disparities.

The last town hall on Housing & Gentrification and Law Enforcement, Justice & Accountability centered on exploring relationships among the city government, police, judicial system, and neighborhoods from the African American perspective. It provided the public an opportunity to address the challenges and conflicts that have historically created a city sharply divided along lines of race and class. In general, these meetings enabled subcommittees to further

clarify their work and the issues before them, address questions from the community, and seek a broader range of solutions that could address the intractable problem of race.

As co-chairs, we decided to first meet with the citizens of Lexington who had faithfully organized protests and rallies in downtown Lexington. Their voices, sacrifices, and deep concerns over the historic injustices that have taken place on the local, state, and national level sparked the urgent need for us to address and dismantle systemic racism in this community.

On Monday, June 29, we met with organizers of the local demonstrations. The meeting was insightful and productive. It provided us with guiding questions and concerns from the community that the subcommittees needed to address. We also sought the perspective of the city's Black faith leaders, who have publicly rebuked business, education, and government leaders for ignoring and perpetuating racial inequality. Their spirit, wisdom, knowledge and insight have, likewise, helped shape this overall report.

Our regular meetings with the vice-chairs separately, and as a group, fostered a strong sense of unity within the Commission. Each subcommittee gave reports about their meetings, and shared valuable information that ultimately synchronized the recommendations.

On August 4, we provided the vice-chairs with a template for preparing their respective reports. We asked that each report offer a history of subcommittee meetings. That history would include a description of their discussions, interviews, surveys, and guest presentations that were part of their work. Moreover, each subcommittee was encouraged to list data, policies, and procedures used to inform members, and to note whether there were any relevant documents that did not include categories by race.

In facilitating subcommittee meetings and preparing the final recommendations, we urged vice-chairs to ultimately set their own goals and objectives. However, we did recommend their subcommittees seek to identify both systemic and systematic practices of racism that have promoted structural inequalities, challenges and deficiencies in Lexington-Fayette County. We also asked they assess the historic marginalization of African Americans in this community. Lastly, we asked them to recommend and advocate systemic changes that will protect and promote racial opportunity, diversity, equity and unity.

The recommendations listed in this report detail necessary action from the Mayor and/or Council, involve budgetary decisions, and/or require legislative action on the state and/or federal level. They also highlight fresh, and engaged opportunities for creative partnerships.

It is evident Commission members approached their assignments with the utmost sincerity and imagination in order to reach above and beyond the constrictions of race in order to come up with solutions for change. They have correctly zeroed in on common themes that reflect the reasons for the marginalization of African Americans in Lexington-Fayette County. Trust, access, privilege, and power deeply rooted in "benign neglect" and racism have nurtured, pain, frustration, and conflicts of interest that African Americans have faced for far too long. Now is the time to address these problems, and more.

Mayor Linda Gorton assured us she is determined to see "meaningful change" take place during her administration. She strongly concurs that systemic racism exists in Lexington-Fayette

County. From the beginning of the Commission's work, she has demonstrated her commitment to change. She provided us with outstanding staff support, who facilitated the organization of meetings, the transmission of documents, and the recording of minutes. We are extremely grateful for each member who served in this capacity.

In late July and August, we held several scheduled virtual meetings with the Mayor to address our concerns and questions, and to offer updates on the Commission's overall work. We were encouraged by her willingness to advance ideas and opportunities that will ultimately alleviate divisions along racial lines.

Our meetings with the Mayor reassured us that all of our efforts were not in vain; hence we are confident this report will not be simply become a "white paper" shelved in the Mayor's Office, awaiting the next administration or racial crisis for needed action to take place. For so many years, Lexington's African American community has been dismissed, denigrated, and denied equal opportunities. History is replete with events, anecdotes, acts of violence, and government and judiciary-led decisions that have negatively impacted African American life.

HISTORY

Similar to other communities, Lexington has a long history of racism, violence, and discrimination. Beginning in the late 18th Century, enslaved Africans worked to build Lexington into a thriving upper south city. They built roads, houses, and bridges and labored in agricultural and domestic industries. In 1799, the Kentucky General Assembly authorized county courts to divide into five districts and hire a company of patrollers to investigate unlawful gatherings of slaves. Slaves who did not have permission to be away from the masters could “receive any number of lashes on his or her back, at the discretion of such magistrate not exceeding thirty-nine, on his or her bare back.” On November 12, 1832, the Mayor and Board of Councilmen of the City of Lexington issued an ordinance that read: “That it shall be the duty of the Night Watchman of the City to arrest each and every slave found on the streets after dark and before 9 o’clock, unless such slave have a written pass from his or her master...” Slave advertisements in newspapers, a whipping post, and slave jails were part of the city’s local social and economic culture. By the mid-19th Century, downtown’s Cheapside Street was the site of Kentucky’s largest slave market. Here, individuals and families of enslaved Africans were bought and sold. Both young girls and boys were sold to the highest bidder.¹

Following the Civil War, the size of Lexington’s African American community more than doubled, as those newly freed from slavery arrived in the city with hopes for employment, housing, education, and refuge from white hostility. Instead, they were forced into accepting low-paying, dangerous, and unhealthy jobs. Housing options were limited to flood-prone areas and near railroad tracks, stockyards, and cemeteries in the northeast and southeast part of the city.

Wealthy white landowners chose to divide their property into narrow lots and sell to African Americans during the last quarter of the 19th Century, creating housing patterns to sustain racial segregation. By the early 20th Century, Lexington -- the heart of the Bluegrass -- embodied the values and ideals of other white communities determined to promote white rule and supremacy at the expense of African Americans.

Racial segregation and discrimination marked black and white life in Lexington socially, politically, economically, and culturally. Over the years, African Americans in Lexington were either harassed, arrested, persecuted, and even murdered without cause. On October 2, 1900, R.C.O. Benjamin, a black lawyer, activist, and newspaper journalist was shot in the back six times and killed by a white man for defending the rights of black men seeking to register to vote in the city. His murderer pleaded not guilty on the grounds of self-defense, and; the presiding judge dismissed the case. On March 25, 1925, Gertrude Boulder became violently ill while heading home on a Lexington street. She was arrested for public intoxication and allowed to die in jail. When a medical examiner revealed she was not a drunken woman, the Mayor and police chief, after much pressure, assured

¹ For information on slavery in Lexington and Kentucky see: Randolph Hollingsworth, *Lexington; Queen of the Bluegrass*, 2004; Marion B. Lucas, *A History of Blacks in Kentucky*, Volume 1 (1992); Gerald L. Smith, “Slavery and Abolition in Kentucky: ‘Patter-rollers’ were everywhere” in James C. Klotter & Daniel Rowland, eds. *Bluegrass Renaissance: The History and Culture of Central Kentucky, 1792-1852*; 2012; Gerald L. Smith, ed. *Black America Series, Lexington, Kentucky*, 2002

the community that going forward “when anyone is brought to the station in an unconscious condition” they will receive medical attention.²

On September 1, 1949, David Hanley, an African American teenager was shot and killed by two white Lexington patrol officers after he had been arrested and fled from their custody at the corner of Limestone and Sixth streets. The officers were originally indicted but within less than a year, the Fayette Circuit Court had acquitted them for murder.³

By 1959, the police and fire departments, YWCA bus stations, city buses, and airport cafeterias were integrated. However, there were no black bus drivers, the four five-and-dime stores, and several restaurants, including those near the University of Kentucky campus were segregated. But a poll conducted by the Unitarian Student Fellowship found that 82% of those interviewed would not “avoid eating at any restaurant surrounding the campus which served Negro students without discrimination.” Yet, African Americans and whites had to protest to end segregation in public accommodations. Organized by the Congress of Racial Equality (CORE), sit-ins were held at H.L. Green, McCrory’s, Kresge’s and Woolworth’s stores. Stand-in demonstrations were held at the Kentucky and Strand Theaters, and a “selective buying campaign” was organized to encourage blacks to only shop at stores with black employees.

The wall of segregation in public accommodation began to crumble by the early 1960s. In 1964, the Lexington Leader ceased to title the “Colored Notes” section in the paper. However, the paper continued to reserve the column for African American news by publishing a photo of the black woman who managed the section into the late 1960s.⁴

Racial equality continued to elude African Americans in Lexington-Fayette County. A report titled: “A Study of Economic and Cultural Activities as They Relate to Minority People in Lexington and Fayette County, Kentucky in 1966” found that 98% of the city’s non-white citizens lived in the central area of the city, and that 40% of this housing was substandard. In 1978, the United States Department of Housing and Urban Development revealed housing biases involving black and white couples with similar incomes, education and other personal factors. The national study of 40 cities ranked Lexington fourth among those with the worst problem in housing discrimination. Although Lexington updated its housing ordinance the next year to equalize housing opportunities for all citizens, a Kentucky Human Rights Commission study showed apartment complexes were still segregated in 1981. Galen Martin, executive director of the Commission, noted “at the rate Lexington is going in its housing problem it isn’t going to get anywhere.”⁵

African Americans continued to face challenges in gaining employment opportunities. In 1966, more than half represented jobs in the lowest level of city government. The median income for white families was \$5,640 compared to \$3,218 for non-whites. CORE presented a list of

² For information regarding the Benjamin and Boulder cases see, George C. Wright, *Racial Violence in Kentucky, 1865-1940, Lynchings Mob Rule, and “Legal Lynchings”*(1990).

³ See *Lexington Leader*, January 10, 1950; January 21, 1950; June 6, 1950

⁴ For a discussion of Lexington’s civil rights movement see; Gerald L. Smith, “Direct-Action Protests in the Upper South: Kentucky Chapters of the Congress of Racial Equality” in the *Register of the Kentucky Historical Society*, 2011.

⁵ For information on Lexington race relations in the 1970s see: Gerald L. Smith, “Blacks in Lexington, Kentucky: The Struggle for Civil Rights 1945-1980. University of Kentucky MA Thesis, 1983

demands to then Mayor Charles Wylie. The list called for a job training program, a police review board to investigate police harassment charges, and assurance from the Fayette County Public Schools to give equal opportunity in hiring teaching and principal positions. Ultimately, the civil rights group was not pleased with the Mayor's response and charged him with "trying to justify inaction and pass the responsibility on to others."

In 1972, a group of "concerned citizens" presented "An Affirmative Action" plan to the Board of Commissioners. The 10-point ultimatum stated "The city must abide immediately" in order to "allow us our constitutional right to equal employment." The plan, in part, called for the city to: cease action that is discriminatory either expressly or in its affects; Take steps to hire blacks in proportion to the black population of Lexington for jobs in Engineering, Building Inspection, Data Processing, Finance, Police and Fire departments, and a review and re-evaluation of applications of African Americans who had been denied city employment.

Mayor Foster Pettit was given a short time to respond before the group planned to seek legal action with federal support. Pettit defended the Board of Commissioners, proclaiming they were not racists and that a minority employment commission had been developed to ascertain the reason more qualified African Americans did not seek employment with the city. He maintained that his administration did not adhere to the practices of racial discrimination and the city had hired more blacks than whites through an Emergency Employment Act Program. In 1975, the Urban County Government approved an affirmative action program aimed at "increasing the number of minority and women government employees, and at removing barriers to equal employment opportunities in the future." But four years later, the number of blacks in local government had only slightly increased with the majority still employed in low-paying, low-sheltered positions.

Meanwhile, school desegregation in the city evolved slowly, despite the United States Supreme Court's 1954 decision declaring segregation unconstitutional. In 1972, four all-black schools were closed. White officials claimed the closings were due to poor facilities and the reassignment of students living in the county. In the process, African Americans encountered the burden of busing, leading three black families and one white family to file a lawsuit against the School Board. The lawsuit was not a success. One of the parents, Robert Jefferson, who years later would serve on the LFUCG City Council, concluded, "institutional racism" existed in the Fayette County Public Schools, because the city's high schools were located in predominately white neighborhoods. In his words, this was having a "negative effect on the learning process of lower blacks and whites, especially blacks."

Racial marginalization remained a frustrating and continuous pattern of life for blacks in Lexington-Fayette County. Some initiatives were taken to address this lingering concern. In 1988, the Lexington Herald Leader published a 6-part series on race relations. From these articles, a Fact-Finding Committee on Racism was formed. Three years later, the Lexington Commission on Race Relations was organized, which promoted conversations on the city's racial climate. These efforts were clearly not enough.⁶

On October 25, 1995, an unarmed black teenager named Tony Sullivan was shot and killed by a white police officer. Police had a warrant to arrest Sullivan, who was hiding in an apartment closet at 726 Breckinridge Street. When Sullivan appeared, the officer claimed he fired accidentally.

⁶ See: *Herald-Leader* June 2, 1988; August 21, 2002, February 21, 1988

A neighbor claimed: “His hands were in the air.” The tragedy set-off protests in Lexington that made national news. Numerous meetings and forums were held in the pursuit of justice. The Fayette County Coroner called the shooting “unintentional homicide.” The grand jury decided not to indict the officer. After completing its investigation, the United States Department of Justice decided not to prosecute as well. The city agreed to pay Sullivan’s mother \$500,000 as part of a wrongful death lawsuit.⁷

In August 2002 a poll conducted by the John S. and James L. Knight Foundation revealed 70% of respondents believed race relations in Lexington had “worsened in recent years with almost one in five saying tension between racial groups constitutes a ‘big problem.’”⁸

African Americans have carried the burden of a historic collective memory in which their voices were silenced, their grievances dismissed, and the past ignored. In spite of this history, they have forged ahead *creating a world of their own*. African American churches, agencies, organizations, concerned parents, teachers, elected officials, and community leaders have fought to promote and protect their rights as tax-paying citizens and advocate for positive change for the next generation. While the city has begun to address the issue of race, and to look for ways to express the city’s diversity, these changes have only come within the context of a national awakening and movement to address systemic racism.

The following is an edited version of the reports written by each of the five subcommittees. Yet we sought to capture their wording in order to capture the depth and breadth of their recommendations, a far more detailed version of each subcommittee’s recommendations, which includes the documents they consulted, will be posted on the LFUCG website. Each of the following subcommittees have placed great faith in the Mayor and Council to take the necessary action to move our city forward, guided by the recommended solutions.

⁷ For more on the Sullivan case see H-L October 26, 1994; January 1, 1995; May 9, 1995; October 22, 1995, November 28, 1996

⁸ See quote from H-L newspaper August 31, 2002

EDUCATION & ECONOMIC OPPORTUNITY REPORT

INTRODUCTION

The recommendations from our subcommittee aim to get Lexington started on the path to equality, and to dismantle racism within education and our economic system. As we look at the economic opportunities for African Americans in Lexington-Fayette County, it is essential to acknowledge the importance of involving this demographic in the decision-making process. This will ensure African Americans share in the benefits of economic investments and employment opportunities that may be created.

The recommendations from the Education & Economic Opportunity subcommittee will help the city of Lexington increase equality by courageously dismantling racism, discrimination and both implicit and explicit bias. This begins by creating access to high quality and universal early childhood education, and by ensuring economic development opportunities are available for diverse individuals and small and large businesses — an ecosystem that works in tandem. More importantly, a city that fosters universal citizenship where everyone works for, and not against, each other. To reach this objective we are making 10 recommendations: five will enhance the quality of education for African American children, and six will create, develop and promote African American businesses in the community.

Education

Poverty and its conditions cannot be overlooked in the realm of education. Poverty and its experiences vary considerably and are not equally distributed among groups. Therefore, identifying and removing structural racism imbedded and manifested in policy and programs is required for a more just and equitable society to exist.

These practices are ingrained in every system, and even the mindset of our neighbors. Children, adults, families and communities are more likely to thrive when their foundational needs are met. These include safe neighborhoods and affordable homes, access to nutritious food, healthcare, trusting relationships with parents, friends, neighbors, and societies where access, opportunity, equality and justice co-exist for all citizens. This structure includes high-quality education that begins prior to birth, and extends from cradle to career; where Lexingtonians have jobs that pay living and lucrative wages; and a community that supports healthy living.

All students should have access to a public school system that recognizes family and community engagement is essential as we collaborate to educate our students and prepare them for life-long learning. This system must include a districtwide culture that promotes collaborative partnerships to support student learning, enriches educational experiences, and prepares students to excel as successful citizens in a global society. Once parents, teachers, and community members view one another as partners in education, then a caring community forms around students, helping to ensure their success. It is paramount that Lexington strengthens learning opportunities for

historically marginalized students who come from at-risk circumstances, or have limited access and options. We cannot wait for others to rank and classify our educational success by how they view us. We have to define a standard beyond what state lawmakers set by establishing a shared commitment of local principles, standards, and high expectations that extends from the doorsteps of every home and business to every classroom in Fayette County.

RECOMMENDATION #1: Build an integrated system of early childhood education that addresses the needs of children, adults and families.

Mayor Linda Gorton must engage in full collaboration with the Fayette County Board of Education to research and develop a plan to create a collective impact framework to offer full-day preschool and increase access to high-quality teaching and learning experiences within neighborhoods and communities with high asset needs and concentrated poverty.

When it comes to early childhood education programs, quality is critical. High-quality preschool gives children a strong start on the path that leads to college or a career. Economists have shown the benefits of early education investments, which generate millions from every dollar invested. Research further indicates that all children benefit from high-quality preschool, with children from households with low-income and English language learners benefiting the most.

The subcommittee recognizes the potential of high-quality community-based preschool being realized by the transformation and organic growth of existing early childhood development services. Where a child lives should not limit or determine their trajectory. Children can live, learn, and grow from high-quality early education centers in their own neighborhoods. Cognitive skills development occurs early and rapidly from birth to five years old — with over 85% brain development occurring in that time. The science of early brain development in children emphasizes the importance of high-quality early childhood education and confirms the long-term advantages of investments in early childhood. Therefore, we believe, it is necessary to do the following:

- Construct a county-wide system of early childhood education that strengthens early learning by leveraging the efforts, expertise, and resources of organizations such as Fayette County Public Schools, Community Action Council's Early Head Start Programs, and licensed child care centers, to teach children and strengthen families.
- Increase the number of children receiving full-day preschool in Fayette County Public Schools.
- Community Actions Council's Early Head Start program must seek opportunities for expansion to serve additional children under three years old.
- The Health Access Nurturing Development Services (HANDS) program must expand the number of children served under two years old.
- Expand opportunities for job training and skill development for youth.

An organization that can help with this important recommendation is First 5 Lex: From Cradle to Kindergarten. This program gives families and caregivers access to information about early

learning, and connects them to fun, stimulating, and age-appropriate activities that will support their young child's development and learning. The goal of First 5 Lex is to work directly with families to communicate how crucial these early years are to building children's brains, language, and vocabulary, all of which are necessary for success in school and life.

RECOMMENDATION #2: Institute a “Whole Family Approach” to education and economic family progression.

Mayor Gorton should allocate a minimum of \$1 million annually to support local non-profits in implementing Whole Family Approach programs focusing on family and financial literacy, workforce development and job training, and continuing education opportunities, including access to adult and continuing education programming. Utilize the position created in Recommendation #3 to ensure ongoing investments in the Whole Family Approach are successfully implemented.

The Whole Family Approach, also referred to as a two-generational or multigenerational approach, is a family-led strategy that supports families by setting goals and developing a solid plan to achieve those goals. This approach addresses the needs of the child and parents concurrently, thus strengthening the entire family by allowing the forward progression of the entire family to occur simultaneously.

Dr. James Heckman, a Nobel Prize-winning economist, affirms two elements that are true contributors to long-term impacts for children and families: (1) the social and emotional development that is cultivated by a high-quality early childhood educational environment; and (2) the true motivator behind a child's success through their school career is very likely the parents. The child and the family cannot be viewed in isolation. The Whole Family Approach supports families, many underserved or affected by the challenges of living in poverty or other social or economic challenges, and helps them to set and achieve individual goals, including, but not limited to, education, financial literacy, employment, job training, food security, and housing. Therefore, we believe, it is necessary to do the following:

- Ensure a community consortium of non-profits working together to enhance community-level innovation and impact by developing a system of job training, skill development, job placement, and financial literacy. This consortium will strengthen the collaborative system and provide critical support for each consortium member.
- Create a position that is responsible for managing the city's investment in educational programs.

RECOMMENDATION #3: Codify and ensure a collaborative system of educating children and strengthening families, fully utilizing current partnerships, programs and other community resources.

Mayor Gorton must create a position that is responsible for managing the city's investment in education and leading the collaborative educational objectives as recommended by the Commission.

The subcommittee is concerned that, without dedicated and effective oversight, our recommendations will not be taken seriously. We do recognize that substantial contributions toward youth and young adult education are made by the city, but a system of coordination could lead to greater outcomes. Management and collaboration are important indicators of Mayor Gorton's commitment to implementing systems that strengthen the community for all citizens, lending itself to an effective long-term solution at dismantling racism, systematic racism, and injustice in Lexington.

The subcommittee is recommending that the Lexington-Fayette Urban County Government: (1) Invest in and commit to supporting early childhood entities working together to educate children; (2) Strengthen and support families with educational advancement, job training supports, financial literacy, parenting classes, among other supports; and (3) Provide workforce development and economic empowerment for small minority businesses within the community.

The Lexington-Fayette Urban County's budget for FY21 reflects an investment of more than \$8 million toward activities that include, but are not limited to, art education, physical activities, tutoring, afterschool, dance/ballet, and child care. Providing dedicated oversight to each of the top three priorities, including the city's educational investment, is critical in ensuring that effective community collaborations, adequate and equitable funding, and meaningful community-level impacts that strengthen the entire city are being achieved. Therefore, a dedicated position must be created and staffed with a culturally competent (aware and responsive) and multilingual professional who will be responsible for managing the city's investment in education and leading the collaborative educational objectives as recommended by the Commission. Therefore, we believe, it is necessary to do the following:

- Create a position that is responsible for managing the city's investment in educational programs.
- This position will lead, facilitate, and monitor the integrated system of early childhood education in Recommendation #1.
- This position will lead, facilitate, and monitor the community consortium of non-profits in Recommendation #2.

RECOMMENDATION #4: Create an educational community that is culturally and linguistically inclusive.

Mayor Gorton should meet with postsecondary education leaders, including Dr. Aaron Thompson, President of the Council on Postsecondary education, Dr. Eli Capilouto, University of Kentucky President; Brien Lewis, Transylvania University President; Dr. M. Christopher Brown II, Kentucky State University President; Dr. David McFaddin, Eastern Kentucky University President; and Dr. Jennifer Grisham-Brown, University of Kentucky Professor to discuss eliminating the Praxis as a pre-qualifier for students to enter the College of Education. Afterward, lead a concerted effort, with the assistance of this team if necessary, to remove the Praxis as a pre-qualifier to enter the College of Education.

Creating learning environments that are culturally and linguistically inclusive significantly benefit a child's learning. Currently, classroom teachers are overwhelmingly represented by white women. By intentionally recruiting a diverse workforce of early childhood educators that is representative of the gender, racial, and ethnic makeup of the students, early learning programs have the opportunity to foster inclusive learning environments that allow children to see themselves reflected in the adults charged with their education.

All the subcommittee members agreed with the need to recruit and hire highly effective and diverse teachers to prepare students to excel in a global society. This means there needs to be an increase in the number of Black and minority teachers and school leaders in the Fayette County Public School System. Dr. Jennifer Grisham-Brown, a professor from the University of Kentucky informed us that one of the barriers to not having more Black or minority teachers is due to the Praxis test. "That test there has prevented countless numbers of minority students from being able to be teachers, and it's abhorrent to me," said Dr. Brown. She said the Praxis test is "biased" and a "gatekeeper" that keeps minority students from pursuing careers in education.

The subcommittee, along with public comments, supports the need to increase the number of Black and minority teachers—including men—hired in Fayette County Public Schools, including multilingual educators. Additionally, the school district should implement a curriculum and practices that are culturally inclusive and rooted in ethnic studies practices and provide training and retraining opportunities to increase staff exposure to culturally inclusive content, implicit biases, and opportunities to learn best practices on how to engage diverse students in the classrooms.

RECOMMENDATION #5: Create meaningful afterschool opportunities for youth.

Mayor Gorton should utilize the position in Recommendation #3 to explore, expand, and institute partnerships between community organizations, institutions, and Fayette County Public Schools to create meaningful afterschool opportunities for youth that prepare them for life after high school.

Effective afterschool programming can be highly beneficial to youth, families, and the community. Not only do quality afterschool programs provide a safe, structured environment for children of working families, they also enhance academic performance, reduce high-risk behaviors, improve classroom behavior, reduce illicit drug use, promote physical health, provide early job and skills training, instill positive work ethics and values, and encourage goal setting and future educational planning. They can also help to provide a sense of individual value and purpose.

A program for youth that played an important part in Lexington's past was the **Mayor's Training Center**. The Mayor's Training Center was instrumental in small business development and training entrepreneurs. Bishop Carter IV, the owner of Elaine Allen, a construction management firm, lends credit for his success to the Mayor's Training Center. There have been countless anecdotal community benefits that point back to the effectiveness of this specific program. A portion of this program has morphed into the **Summer Youth Job Training Program** that provides workforce training opportunities for youth in the 10th, 11th, and 12th grades. In the Summer Youth Training program, youth learn the importance of soft skills including punctuality, professionalism, teamwork, and ethics. There is no doubt youth can benefit from effective

afterschool programming that supports their current abilities. This leads to successful independent living after graduation.

The Mayor's Training Center was also instrumental in small business development and training for entrepreneurs. A major program component included the training and retraining of unemployed and underemployed workers for dedicated positions committed by employers. No other city program has filled the void in training left after the defunding of the Mayor's Training Center. Therefore, we believe, it is necessary to do the following:

- Create paid apprenticeship opportunities for youth in the private and public sectors.
- Explore, create, and implement opportunities that lead to an increase in work ethics, life skills training, and successful independent living after graduation.
- Explore the financial and in-kind contributions that support education in Lexington.
- Explore the equity of shared-use agreements, tutoring, and after school programs.

Regarding education, our subcommittee received feedback encouraging the following: preparation and access for more black and minority students into the Gifted and Talented Program and Advanced Placement courses; the expansion of Experienced-Based Career Education (EBCE); the equitable distribution of funding for schools located in high asset neighborhoods or containing a higher percentage of students receiving free or reduced meals; the need to increase the number of minority teachers, including men, and those who speak multiple languages in the Fayette County Public Schools, and the development of a curriculum with instructional strategies and practices that are culturally responsive, inclusive, and rooted in ethnic studies and evidence-based research.

There were also suggestions to make sure staff members are exposed to culturally inclusive content, implicit bias training, and practices for engaging students and parents in teaching and learning inside and outside the classrooms. It was also suggested that a seat on the Fayette County Board of Education be reserved for one non-voting student to serve as voice for all students. (We recognize the Mayor will have to acknowledge and refer to the Fayette County Board of Education on these matters.)

Aside from these concerns, the subcommittee was informed of the need to gather data on attrition rates for minority students during their first semester at the University of Kentucky, Transylvania University, Bluegrass Community and Technical College, Kentucky State University and Eastern Kentucky University. It is believed, based on feedback and our observations, the Mayor should seek information from these schools about the root of cause of student attrition and assist in developing effective strategies to reduce these rates, particularly for minority students.

Economic Opportunity

Economic Development is the creation of wealth within, and on behalf of, a community. It involves internal and external investments in employment and infrastructure to expand the economic wellbeing of the community, as a whole. It is critically important for the city to acknowledge African Americans in the decision-making process. This will ensure that African Americans will share in the benefits of economic investments and employment opportunities that may be created.

Mike Allen, co-founder of Axios, and Dion Rabouin, a contributing writer for Axios, wrote a very compelling piece entitled “10 Myths about the Racial Wealth Gap.” This piece illustrates that, regardless of the topic, there is a glaring disparity between the wealth of Black Americans and white Americans. African Americans have been taught for generations that if they would only get a good education, buy their own home, start their own business, maintain a strong family structure, and focus on individual achievement, they could close the wealth gap. But the reality is there continues to be a persistent and pronounced wealth gap for Black Americans when compared to White Americans.

According to Allen, “The fact of the matter — evidenced by decades of reporting from the Federal Reserve System, Department of Labor, Department of Commerce, and academic and professional studies — is that the wealth gap is the product of centuries of inequality and racism that has grown too large to be impacted significantly by individual actions, achievements or choices.” Dr. Allison Davis from the University of Kentucky’s presentation to the subcommittee, detailed some of the same trends in Fayette County. It is worth noting that the income and net worth gap between whites and African Americans actually widens with educational attainment.

This disparity further illustrates the need for the Mayor and Council to act on the work and recommendations of this Commission to combat and counteract “systemic and systematic” racism. It is a fact the United States will soon have a majority minority population. Our country — and our workforce — is becoming more ethnically and racially diverse. Fayette County Public School (FCPS) data from 2019-2020 show less than half of all FCPS students identified as white, and a total of 94 different languages are spoken in the homes of students. Lexington must have opportunities for all citizens in order to maintain a healthy and diverse economy. The economic outlook for people of color, including Latinx and African Americans, must improve.

With regard to economic opportunity, we focused on the following:

- Recruitment and Relocation – Businesses/Companies moving to Lexington to provide jobs and investment in our community
- Expansion – Jobs and investment realized by the expansion of companies already in Lexington
- Workforce Development – Obtaining the skills and training necessary to fill the current jobs in Lexington
- Commercialization & Innovation – The process of turning great ideas into businesses

RECOMMENDATION #1: Increase spending with Minority Business Enterprises (MBEs) and clarify how LFUCG will measure the MBE program overall goal achievement across individual departments and divisions.

The Mayor and Council must revise the current Disadvantaged Business Enterprise (DBE) Resolution to disaggregate DBEs into their subgroups of MBE Women Business Enterprise (WBE), and Disabled Veteran Business Enterprise (DVBE) and increase the MBE goal from 10% to 15%.

The most effective strategy to implement this recommendation would be to review the 1991 Disadvantaged Business Enterprise (DBE) Resolution that established a goal of 10% and increase the goal from 10% to 15% for Minority Business Enterprises (MBEs). The greatest opportunity to demonstrate that the City of Lexington (LFUCG & Lexington Community) is supportive of economic inclusion would be to track and publish the MBE purchasing data of each department and division. Cities that have excelled in economic inclusion, such as Baltimore and Cincinnati, report when the Minority Business Community thrives, the quality of life for minorities in those communities improved. Therefore, we believe, it is necessary to do the following:

- Review language in the current resolution to include both rewards and penalties for compliance and non-compliance with the stated goal.
- Establish spending goals for racial/ethnic Minority Business Enterprises separately from DBE goals to increase transparency and focus on the MBE spend. During this time of racial unrest, community leaders are stressing the need to improve economic opportunity for MBEs in Lexington. In response, we recommend only increasing the MBE goal to 15%, and the others can remain at their current levels.
- Analyze and publish LFUCG departmental & divisional spending data, including totals spent with MBEs. This analysis must be performed on the total spending for all purchases made within LFUCG in order to bring about the systematic, cultural, and behavioral changes that need to occur. With the adoption of a decentralized purchasing system, there are presently more than 300 LFUCG staff who have the ability to procure goods and services using debit type “Pro-Cards” and “no bid” purchases. Through the work of the subcommittee, it was discovered that the Division of Purchasing does not track this data, which would provide greater transparency for monitoring and evaluating the success of each department and division.
- Specific data on the details of these purchases was requested during this process, and it was determined that LFUCG would need to begin tracking this information to provide greater visibility of these purchases. Equity Solutions Group, a local MBE, already assists several private organizations like Toyota, Humana, Kroger, and the Commerce Lexington Accelerator to diversify their spends in Fayette County. This company presented to the Division of Purchasing and will begin identifying punch-out opportunities in LFUCG to increase MBE spend. The deliberate analysis of the spending in each division, coupled with the intentional partnership with companies like Equity Solutions Group, will ensure that overall MBE spend will see a significant increase.

- The structure of divisional liaisons to assist the Minority Business Enterprise Liaison (MBEL), is imperative. Constant focus and reporting of the activity and results from each division are required to successfully reach the 15% goal. As such, the MBEL should be given more support, not only in tracking, reporting and facilitating the increase in MBE spend in contracting, but in all LFUCG procurement. As an office of one, it is increasingly difficult for the MBEL to efficiently and effectively influence the use of MBEs in all procurement matters with LFUCG. Our subcommittee recommends that a separate budget within the Division of Purchasing be created for this Enterprise activity, and that there be additional resources invested to increase systematic success of this goal. We believe an increase in personnel of two to four persons would permit better coverage and assist LFUCG in reaching the 15% goal. This increase in staffing would likewise provide the MBEL with opportunities to attend conferences, engage in recruitment trips and become an active member of other supplier diversity organizations such as TSMSDC, ORV-WBC, NMSDC, and others. While the MBEL is trying to recruit other MBEs to work with LFUCG, the additional staff could continue to drive compliance and success of MBE utilization within each division.

It is understood that the ability to spend money with MBEs is a function of MBEs existing in the marketplace. Therefore, the second strategy to achieve the 15% goal would be to increase the number of **MBEs** in Fayette County. This will require a sufficient number of MBEs with the size, scale, capacity and capability to secure the projects that the City procures. The following activities will aid in the effort to increase the number of MBEs in Fayette County:

- Intentional and facilitated development of joint ventures and strategic partnerships that amplify combined core competencies is one way to address some of these concerns; however, there should also be a focus on recruiting those businesses to this area.
- Economic Development partners of LFUCG frequently take recruitment trips and offer incentives to companies to relocate or expand their business in Fayette County. Including intentional recruitment of MBEs that fill a void of core competency and/or capacity in our community should be a targeted and measured activity resulting in greater economic inclusion. Careful attention must be given to those MBEs that perform the work that LFUCG often solicits through the RFP and procurement process. An added benefit would be to recruit those with a track record of supporting and developing minority subcontractors to participate in their projects to realize a greater economic impact within the minority community.

The events of the day, and the many recommendations identified through the Mayor's Commission on Racial Justice & Equality, give the Mayor and Council a unique opportunity to champion economic inclusion and demonstrate that Lexington is truly a "special place." Our government can play a crucial role in creating an environment and climate where economic inclusion is a way of life in Fayette County.

To that end, the third strategy to increase spend with MBEs would come from the Mayor and Council encouraging public and private sector organizations to join LFUCG in the 15% goal of MBE spend.

In 2010, the Urban League of Lexington-Fayette County commissioned a report entitled the “Economic Inclusion Plan for Central Kentucky.” The document outlines the financial benefit of the three large pillars of our community: Government, Education & Private Business (Chamber of Commerce), all establishing a minority spend goal of 10%. This is a perfect time to not only ask for a recommitment to this plan, but also to increase the goal to 15%.

- Public Sector organizations would include educational institutions (FCPS, University of Kentucky, Transylvania University, and BCTC), local non-profit organizations and LFUCG partner agencies funded by the government. Many organizations are engaged in developing housing and affordable housing, and those organizations should also be encouraged to reach 15% MBE spend. There is no question the development of housing is a necessary component of economic development as it leverages millions of dollars into our community and hires many contractors to perform the work.
- Private Sector organizations and businesses from the community would include hospitals, large and small businesses/corporations and utility companies. To encourage participation, LFUCG could develop an incentive, such as a tax incentive, for those private-sector prime contractors that meet/exceed the 15% goal. The tax incentive could also be offered to private sector companies that diversify their spend and meet/exceed the 15% MBE spend in their procurement and business partnerships.
- At a time when many people are unemployed due to the pandemic, public and private sector organizations should use this opportunity to increase the diversity of their respective staffs by achieving a 15% minority representation. Data show that the wage gap between whites and people of color has persisted for decades, and much of that is attributed to reduced access to good-paying jobs. As we look to improve the economic outlook of Fayette County, let the community take bold steps to provide more employment opportunities and discontinue pay inequity.

Occupational tax is the primary driver of funding within LFUCG. Reducing unemployment and getting citizens gainfully employed would increase occupational tax revenue collected by the City. The pre-pandemic unemployment rate in Fayette County dropped to approximately 3.4%. As a result of COVID-19, the unemployment rate in Lexington is much higher, and higher still for people of color. To reduce the unemployment rate, the City should connect with various job posting sources in the community that compile all of the vacancies currently in Fayette County. A “job portal” could be established on the www.lexingtonky.gov website to create a “one-stop-shop” for those seeking employment opportunities in Lexington.

It is estimated that 10% of all businesses in the United States are black-owned businesses. The demographic data is also clear that people of color are the growth demographic, and if Lexington is going to continue to grow and have a healthy and diverse economy, there must be more people of color employed in Lexington. The pandemic has proven business can be done from anywhere, and if Lexington is to be the choice of place to live and work, Lexington must be considered a great place for people, jobs and investment in other communities. We must make Lexington, Kentucky, a community in which MBEs CAN and WANT to do business.

RECOMMENDATION #2: Issue a disparity study to determine if there is a disparity between the availability and utilization of MBE Firms

Mayor Gorton and Council must fund and issue a disparity study to determine if there is a disparity between the availability and the utilization of MBE firms in Lexington. The Mayor and Council will encourage and lead full collaboration with the Business Community and the LFUCG staff to research and develop a plan to create a fair and collective framework to analyze the disparity.

Several communities, including neighboring communities such as Louisville and Cincinnati, have issued disparity studies in an effort to remove intentional and unintentional issues of bias that result in a lower percentage of business being done by MBEs within those respective cities. When the challenges have been glaring, those communities often use mandates to correct the uneven playing field that the MBEs were experiencing when trying to do business with the City. For decades, there have been repeated requests to conduct a disparity study in Lexington, and for varying reasons, all efforts to do so have been unsuccessful. This subcommittee feels strongly that this time, the request will be granted. It is clear we live in very different times due to a global pandemic that has significantly affected the economy and businesses in our country and across the globe. As a result, this subcommittee believes it would be wise and prudent to keep the following issues at the forefront when developing a disparity study:

- The pandemic has undoubtedly reduced the number of businesses, MBE and non-MBE, currently operating in Fayette County. The presentation by Dr. Alison Davis provides evidence that very few MBEs received Payroll Protection Plan (PPP) funds passed by the federal government. Those funds were intended to assist companies to stay in business despite the pandemic. Only five MBE firms have been identified as recipients of PPP funds. Therefore, to have a fair representation of what the condition and situations were over the last 10 years, it would be wise to keep this fact in mind when establishing the parameters of the study.
- The participation of stakeholders and business owners is crucial to the disparity study's success. Regardless of which firm is hired to conduct the study, it should hold a kickoff/informational session to inform the community of the study and recruit participants to take part. The firm should conduct stakeholder meetings and MBE interviews, hold focus groups, send surveys, use social media, and other mediums to gather input and information necessary for the study. As noted, since the pandemic has likely reduced the number of MBEs presently operating, those previously in business should be contacted to gather their perspective.
- Based on disparity studies from other communities, LFUCG should be prepared to gather and examine:
 - The city's contracting activity during a specific time frame. As mentioned above, as a result of the pandemic, data should be collected to reflect a particular timeframe (such as FY2015 to FY2019) to examine how the city performed pre-pandemic.
 - Anecdotal evidence from focus groups, public hearings, surveys, social media and interviews.

- Current and past city policies, procedures, organizational structure and programs that govern the procurement of contracts.
- In addition to a focus on MBE procurement, it may be helpful also to examine Women-owned Business Enterprises (WBE), Veteran Business Enterprises (VBE) and other Disadvantaged Business Enterprises (DBE). It may be of interest to see how other firms fared with the procurement of contracts compared to MBEs.
- Based on other studies, disparity is calculated in the form of an index. The index is a ratio of the percentage of utilization and the percentage of availability of MBE firms. A disparity index of 100 indicates that the utilization of MBEs is leveled with the availability of MBEs in the community. An index of 75 or 80 would indicate that MBEs are significantly underutilized based on availability.

Disparity studies typically take one to two years to complete. Therefore, the results of the study and any remedial actions taken will likely not occur for at least two years. We encourage the city to work as if already under remedial changes to meet minority spend goals and begin trying to achieve 15% MBE spend as soon as possible.

RECOMMENDATION #3: Commission a comprehensive minority-owned business listing to increase public awareness of minority businesses and to establish relationships between minority business owners and LFUCG Division of Revenue.

The Mayor should issue a Request for Proposal (RFP) for minority publisher to create and maintain a city-wide directory of ethnic minority-owned businesses, including construction, products, and services.

Over the years, MBEs have come and gone in Lexington. There have been efforts in the past to collect, categorize and communicate pertinent information regarding the various MBEs in operation through the distribution of the Minority Business Directory. This directory was largely compiled by the Chamber of Commerce and represented only those MBEs that were members. This left out many MBEs that were not members, and others that were included were no longer in business by the time the directory was published. Therefore, we believe, it is necessary to do the following:

- The city of Lexington will issue a periodic (biannually or annually) Request for Proposal (RFP) for a minority publisher to create and maintain a city-wide directory of ethnic minority-owned businesses, including those engaged in construction, products, and services. The successful respondent will create a limited print edition available in the Minority Business Enterprise Program office. Although a printed directory of minority businesses is very difficult to keep current (which is why it should be done periodically), it is likely that some citizens who may wish to do business with an MBE may not have access to a computer.

- The successful respondent will also create an online version to be updated monthly with business closings and openings. This online version of the directory will be housed on the Minority Business Enterprise webpage of the LFUCG website (www.lexingtonky.gov). This is where other communities that take economic inclusion seriously house their online directories and, those organizations looking to do business with MBEs would likely start their search. This online directory will provide search and filtering capabilities.
- Include applicable identification codes such as Black-Owned, Latinx-Owned, certified MBE, MVBE and MWBE for each business listing. This will allow those not certified to find information about obtaining appropriate certification (i.e., MBE, MVBE, MWBE, 8A Contractor.)
- Ensure every interested MBE registers with the city for occupational license fees to be paid to the city. In order to have their organization listed on the webpage or in the print directory, they must be registered with the city. Anecdotally, some MBEs have not and do not register for occupational license fees to be paid to the city, and in many cases, this is due to lack of knowledge. This made them ineligible to apply for the Federal SBA loans for COVID pandemic expenses. Their registration to be in this annual directory publication will also provide the revenue necessary to create and publish the directory. It is not recommended that this be added to the responsibilities of the MBEL, for reasons mentioned previously. A minority supplier should be considered.
- Require that information regarding “How to Start a Business in Fayette County” be included in the directory, and on the webpage. Information regarding the annual city-sponsored Minority Business Expo would also be required in the directory.
- Secure a booth at the Annual Minority Business Expo and have available the necessary forms and information regarding business registration and taxes.
- Provide RFP applicants with information on how to secure business with the City. Include a description of the process in the RFP so that MBEs understand the process and how to seek further information.

RECOMMENDATION #4: Encourage MBE development and employment in the growing areas of our economy

The Mayor should convene a meeting with workforce development organizations, educators and community leaders to develop programs, targets, and metrics aimed at increasing skills and training for the growing sectors of the Lexington economy: healthcare, information technology, agricultural technology, equine/farming and professional services/finance. Attention should be given to creating and supporting opportunities in these areas where more persons of color could participate.

Healthcare is a robust and growing sector of our economy. Research data finds there is still a substantial need to have more local citizens in healthcare-related occupations. There is also a substantial need for more people in the construction, installation, and repair-related fields. Lexington

has a fairly high concentration of technology-related companies, and yet there remains a significant need for more individuals in technical occupations, such as information technology, engineering, architecture and actuarial sciences/mathematics. Fayette County Public Schools recognizes the need for additional educators in our community and has recently prioritized hiring persons of color within the district, including six African American principals.

Lexington is surrounded by acres of beautiful farmland, and agriculture remains a multi-billion dollar industry in Central Kentucky, with 1 out of every 12 jobs associated with agriculture. Organizations such as Black Soil, which emphasizes Black Farmers Markets, and training programs like Locust Trace and Legacy Ball, help raise awareness and increase opportunities for African Americans in our local economy's agricultural sector. Biosciences and Agricultural Technology are natural indices that should be considered as assets in our local economy. All of these are areas of opportunity to improve the economic outlook for the African American community. However, there are systemic and institutional barriers preventing the participation of black farmers and the preservation of Black farmland within several LFUCG initiatives related to local food production and agribusiness. The following is a list of recommendations/actions that need consideration:

- Conduct an equity analysis of the current city sponsored Community Supported Agriculture (CSA) program, Bluegrass Farm to Table, to confirm racial equality and identify any racial inequity and lack of access by minority farms.
- Increase transparency of the Bluegrass Farm to Table Program by incorporating the program on the city website and publicly listing members of the advisory board.
- Conduct an equity audit of the Purchase of Development Rights (PDR) program and the governing body, the Rural Land Management Board. PDR is an agricultural conservation easement program facilitated by the city. Through PDR, the city purchases farm owners' development rights (their right to ever develop the farm commercially), thereby preserving it as farmland forever. The audit should make public the racial data related to preserved acres owned by African Americans and the number of black board members.

Information technology is an opportunity to increase African American participation in the growing sectors of our economy: There are several programs underway in Lexington that are designed to increase skills in information technology. The University of Kentucky, Transylvania University, and BCTC are all institutions of higher learning currently offering degrees/courses in IT. Community organizations such as the Urban League of Lexington-Fayette County are offering programs such as IT basics for adult learners. Hijro, an African American technology company in Lexington, has received venture capital funding from Silicon Valley and offers training on coding for young people. While these programs are currently functioning in Lexington, we need to increase their capacity and visibility so African Americans will know where to go to improve their skills in IT.

RECOMMENDATION #5: Develop funding sources designed to assist MBEs to increase their ability to take their business to the next level

LFUCG needs to take an active role in identifying new resources of funds that can be used to grow and expand MBEs operating in Fayette County. Providing the funding necessary to increase skills and scale leads to more stable businesses and reduced unemployment.

We offer some examples of funding sources that LFUCG already uses and suggestions to increase opportunities for MBEs to grow their business.

- Economic Development Investment Board (EDIB): The EDIB occasionally receives grant funds and determines where and how much funding can be made available for MBEs. The EDIB gathers and discusses catalytic uses of these funds, when available. This can often come from the refinancing of tax-exempt debt, where the LFUCG is a conduit issuer. For example, funds from EDIB were used to create the Contractor Certification Program that began in 2009. The EDIB recently voted to make \$250,000 available for MBE utilization.
- Small and Minority Business funding: LFUCG received \$2,500,000 to be allocated to small businesses in Lexington/Fayette County. Tyrone Tyra, Senior Vice President of Community & Minority Business Development at Commerce Lexington, was contracted to assist the City in making these funds available for small and minority-owned businesses. Tyrone is a member of the Education & Economic Outlook subcommittee, and even as we met, was quite successful in assisting businesses to receive funding. To date, all of these funds have been allocated to 167 applicants. Of those, 51 MBEs and 61 WBEs were funded – which is a far cry from the Payroll Protection Plan funds received by Kentucky (See Payroll Protection Plan slide in the Lexington economy presentation). This disbursement of funds was critical as many local MBEs did not receive PPP funds, although those funds were intended to keep small businesses operational during the COVID-19 pandemic.
- Bluegrass Stakes Skills Corporation: The Bluegrass Stakes Skills Corporation provides funding for businesses to utilize to improve the skills of their teams. Many MBEs work hard to deliver their product or services, often neglecting their professional development. Funding for MBE participation in various training programs can be instrumental in assisting them in taking their business to the next level. MBEs should know how to utilize their funds to take courses that will improve their professional development. It could mean the difference between staying open or closing, growing or staying stagnant, scaling to enter a larger market, or been passed up by a competitor that does take the time for training.
- Increase opportunities to improve personal & professional financial literacy/strategies for MBEs. Profitable businesses are more likely to remain in business. Many entrepreneurs use their retirement funds from previous employment to capitalize their business. This often leads to a significant amount of their savings being put to work in their business, with no investment in their retirement. Many small business owners fail to include retirement in their business plan, and may not have a strategy that defines what happens to the business when they retire. LFUCG should provide opportunities for MBE-owners to learn strategies to address these concerns. LFUCG should also continue to invest in the Minority Business Expo and potentially sponsor programming to teach business leaders financial literacy designed to increase profitability, reduce tax exposure and generate wealth.

RECOMMENDATION #6: Create/enhance programs in the community to meet the demand of skilled tradespeople

LFUCG should lead the way in encouraging MBE development through skilled trades.

In 2009, there was some attention given to creating an ordinance that would give a 3% preference to building trades organizations. This effort received much criticism because the building trades are typically union organizations. In order to avoid the union vs. non-union debate, consideration should be given to any skilled trade organization that provides a living wage and benefits to those receiving journeyman training, regardless of union-affiliation or lack thereof. The emphasis should be placed on creating opportunities for Lexingtonians, with particular attention to African Americans, to gain the skills necessary to satisfy the need for skilled tradespersons. It is highly likely, once obtaining the skills and experience, that several of those tradespersons will enter the world of entrepreneurship. This is an added benefit as it allows someone else to enter the program, creating more opportunities for others to receive training in a skilled trade, while also increasing the number of MBEs in our community.

In general, we have found several ways the Mayor and Council can eliminate the historical marginalization African Americans have experienced in this community. To do so will involve a creative and committed approach that reaches children and teachers, individuals and families, entrepreneurs and investors. Opportunities for development, growth and investment abound. We only trust our elected officials, educators, and community leaders will take the necessary action to address systemic racism in this city.

In closing, the Education & Economic Opportunity Subcommittee is concerned for the unpredictable, yet assumed, increase in the education gap that will occur with historically marginalized students of poverty, and paralleled by race. The national pandemic has shined a spotlight on the socioeconomic status of families and how the impacts of poverty can affect a child's access to an equitable education due to the digital divide. The digital divide and lack of citywide broadband access underscore the role city infrastructure and investment can have mending the educational and socioeconomic divide in this community.

HOUSING AND GENTRIFICATION REPORT

INTRODUCTION

Lexington neighborhoods have historically been ignored through disinvestment, disparate housing policies, and segregation patterns that feed into mechanisms that contribute to gentrification. The story of Main Street Baptist Church is a clear example of how that has happened. It is a historically black church, nestled between the Mary Todd Lincoln House and the now demolished Jefferson Street viaduct. The roots of Main Street Baptist Church start with a former slave. The church's original deed, dated August 20, 1863, contains the recorded name of Abraham Lincoln, the 16th President of the United States. The church has had both a strong physical and spiritual foundation in downtown Lexington for over 150 years. This church continues to attract worshippers of all ages and has a very large, active congregation.

According to Elder Cornelius, the church has had many meetings over the years about parking, but no solution has been reached. Main Street Baptist Church feels that many times during the process, officials have been dismissive of their parking concerns (for example, they were told at one point it was too early in the planning stages to be discussed). The parking situation can be very detrimental to the church, causing many congregants to worship elsewhere and not attracting new people to the church. The church estimates that they need about 200 spots for church services and activities throughout the week.

Historically, the church is the original owner of the land in question. Many years ago, the land was seized by the railroad. When the railroad determined that they no longer needed the land, it was transferred to the Civic Center project. When Mayor Scotty Baesler was told by the church about the Civic Center land belonging to the church, he said he wouldn't know anything about that because that was before his time. Church members feel that they have been historically overlooked and pushed aside. They feel many major decisions have been made regarding the land around them (land that was originally theirs), and officials are not considering their needs as a congregation. They feel that they have not been treated like equals and according to Elder Cornelius, "It's like they are just going to make the decisions and we'll just have to live with it." They feel they have not been respected in the matter and the city is choking the church.

Main Street Baptist Church's historical fight for a seat at the table to discuss changes that directly affect their vital ministry is a microcosm of decisions and changes occurring in our neighborhoods across the city. As it is with city officials ignoring the concerns of Main Street Baptist Church, it is with many issues related to housing and gentrification. Housing advocates who are familiar with the issue of gentrification know individuals who live in gentrifying neighborhoods in Lexington, and across the country, live in areas targeted by unfair housing policies as far back as World War II.

During the postwar economic boom, many middle class residents moved to suburban areas located on the outskirts of cities. The suburban areas provided the advantages of urban environments without the disadvantages of living in close proximity to others, and were incentivized by New Deal federal mortgage policies. To assist and encourage whites to move into suburbs, real

estate brokers practiced blockbusting. Blockbusting occurred when Black families were encouraged to pay a premium to move into particular urban neighborhoods so white families would sell their houses at a low price and move out to the suburbs. After this process was complete, the new majority-African American communities were historically denied the capital needed to invest in improvements to their neighborhoods through another practice called redlining. Redlining is the systematic denial of various services by federal, state and local governments, essentially blocking off certain neighborhoods from receiving benefits such as home loans and insurance. These factors combined to reduce opportunities in many urban areas. As a result, the low cost of moving into these neighborhoods make them prime locations for aggressive reinvestment.

As a neighborhood gentrifies, the economic opportunity that it represents increases. More people move into the area to take advantage of those opportunities, and the desirability of that area increases even more. Developers begin to tear down old housing to build new. Old shops, restaurants, and other neighborhood features may be driven out by storefronts that cater to new residents. Long-term residents may be forced to leave due to the rising cost of living and a changing landscape for jobs. This means the benefits gentrification brings to an area are often distributed unequally.

Lexington is not immune to the issue of gentrification. For example, Lexington's East End is an area that experienced segregation after the Civil War, by both race and class (Eblen, Lexington Herald-Leader, Feb. 13, 2017). This area, like much of the country, suffered economically after World War II, leaving landlords with few options to maintain properties (Eblen). Ultimately, the lack of investments in places like the East End deteriorated these areas over time, making them ripe for gentrification.

During the course of our meetings, we had seven guest presenters from neighborhoods, as well as representatives of banks from Louisville and Lexington. Their presentations ranged from five to 15 minutes, followed by time for questions from the subcommittee members.

In preparing the following recommendations, the subcommittee consulted maps, tables, deliberations, reports, and recommendations of the Task Force on Neighborhoods in Transition. The subcommittee also examined numerous documents pertaining to the Division of Code Enforcement. These reports balanced and complemented the personal stories (stories by presenters) with the analytical (data). Below are the subcommittee's recommendations. For more specific details, see the subcommittee's complete report.

RECOMMENDATION #1: The city must create an Office of Housing Advocate, by ordinance and with permanent funding, to centralize and provide oversight of the full spectrum of housing needs in our community.

Office responsibilities would include implementing housing-related programs, advocating on behalf of community members, disseminating information, and coordinating with LFUCG departments and other partners.

RECOMMENDATION #2: Changes must be implemented in the Division of Code Enforcement. Our recommendation is the Housing Code of the City of Lexington be re-imagined into a Code Agency that places the health, well-being, and protection of residents (especially the most vulnerable) and neighborhoods as its mission.

This Agency would work with residents and neighborhoods in a resource and relationship approach to create and sustain flourishing communities rather than a punitive financial tactic.

RECOMMENDATION #3: The city must put in place mechanisms to keep housing affordable. It is possible to stem the tide of gentrification, while creating more housing opportunity for all Lexingtonians.

It requires a holistic re-thinking of the purpose and effect of local zoning ordinances. Historically, zoning has restricted uses and density to artificially separate citizens by race, class, and income. The result is a city defined by pockets of high poverty and high affluence alike, and very few racially or economically integrated neighborhoods. To rectify decades of intentional segregation, Lexington must take an actively anti-racist approach to its land use policy, with a goal of integrated, walkable, transit-accessible neighborhoods for all residents.

Zoning policies must be re-written to allow for greater density, supply, and affordability. Supporting housing-related policies and budgets must be reallocated to protect existing affordability and expand low- and middle-income housing across the city to prevent further isolation and segregation of our less affluent neighbors.

RECOMMENDATION #4: The city must allot a portion of the COVID-19 funding toward eviction prevention initiatives.

Due to the COVID-19 pandemic and Governor Andy Beshear's Executive Order placing a moratorium on evictions having recently expired, this subcommittee recommends LFUCG direct COVID-19 CARES funding and effort toward residential assistance and eviction prevention initiatives to prevent mass displacement of vulnerable residents in Lexington, especially in gentrifying neighborhoods.

RECOMMENDATION #5: The city must financially invest in gentrifying neighborhoods and neighborhoods that are at risk of gentrifying where disinvestment and displacement has occurred, and is occurring.

Lexington has a history of progressive land use planning practices. It created the country's first urban service boundary in 1958, establishing a clear demarcation between "rural" and "urban" areas in the city, which cemented in place a regional commitment to rural land preservation and smart urban growth. Between 1997 and 2000 a series of events aimed to more comprehensively preserve farmland and contain urban development culminated in the Purchase of Development Rights (PDR) Program, and included city, state, and federal investments in rural preservation, including a state bill enabling tax levies to support rural preservation, planning and zoning amendments to create 40-acre lot size minimums, millions of dollars in state money to leverage grants, investment of tobacco buyout funds, issuance of millions of dollars in city bonds, and federal matching dollars.

To date, over 277 farms have benefited from the PDR program, and over 30,000 acres in Lexington have been preserved, representing millions of dollars. Furthermore, the

expenditure of public funds for rural land preservation is itself racialized. The PDR program is grounded in a 1999 Rural Service Area Land Management Plan (RSALMP) and a 2000 city ordinance (4-2000). Public discourse surrounding those two documents in the late 1990s, as well as the language contained within them, indicated the PDR program was intended to – in fact must – go hand-in-hand with investment in areas within the urban service boundary; the talk was of smart growth, infill development, small area plans, and neighborhood development. Rural preservation and smart urban growth are two sides of the same coin. The importance of that fact is captured in the RSALMP and Comprehensive Plan statement that rural preservation must “dovetail with the goals, policies, and provisions” of greater community planning efforts.

Further evidence is found in the Governing Rural Land Management Board mandate of participation by representatives from the Realtors’ association, the homebuilders’ association, the chamber of commerce, historic preservation advocates, and the neighborhood council. The region’s most prominent and vocal non-governmental organization dedicated to rural land preservation, the Fayette Alliance, also has argued for the crucial importance of investment inside the service boundary to relieve pressure on rural lands.

With a few exceptions, and those largely benefitting upper middle-class homeowners (e.g. historic preservation), the promise of investment in the urban core remains unfulfilled. The city should match its historical commitment to funding rural land preservation (through taxes, legislation, grants, and bonding capacity) in those Lexington neighborhoods identified as vulnerable in the November 2019 Draft Map report to the Neighborhoods in Transition Task Force. That investment should include recommendations elsewhere in this document to fund affordable housing and grants and loans to minority-owned businesses.

The City should investigate, and possibly take advantage of, spatial planning and fiscal tools for addressing the multiple problems of Lexington neighborhoods, and especially those threatened by gentrification and affordable housing crises. These might include: Opportunity Zones, the federal Community Reinvestment Act, and the idea of an Equity Overlay District. To protect neighborhoods vulnerable to displacement, we recommend when the city is funding and benefiting from infrastructure improvements the city must conduct a Community Equity Assessment prior to the infrastructure planning phase to inform project goals that seek to avoid, minimize or mitigate the disparate impact and displacement of vulnerable populations. The City must include in the infrastructure project costs required to support the avoidance, minimize or mitigation efforts to maintain cultural cohesion and create affordable housing.

RECOMMENDATION #6: The City should implement a program encouraging minority business inclusion in the gentrifying neighborhoods in the city.

We recommend LFUCG encourage local banks to invest and intentionally communicate with residents and businesses about available resources. The City, banks and non-profits should collaborate to establish a guiding framework similar to “Placebuilder” that helps guide opportunities for partnership and investment. One example: the City should create and leverage opportunities to create down payment assistance programs with banks on the merits of their CRA ratings.

RECOMMENDATION #7: The City must issue an official statement regarding gentrification, displacement, and affordable housing and launch an education campaign regarding the history of housing in Lexington.

Because gentrification is complicated, it is recommended the city provide an official statement regarding gentrification. Neighborhoods, such as the East End, are historically, politically and privately disinvested. However, once investors begin to purchase property and the promise of new businesses and economic growth are present, it is then that we witness local governments investing millions of dollars to a once ignored area.

Gentrification may bring revitalization that excludes existing residents from the benefits of a revitalizing neighborhood, economic growth, and the greater availability of services that come with increased investments. Therefore, it is recommended the City provide anti-displacement strategies, such as programs to prevent evictions caused by rising property taxes in these areas for senior citizens and persons who have lived in their property for 10 or more years.

Local government should also provide a strategy to keep housing affordable, such as inclusionary zoning which includes affordable units, workforce development programs, quality education and equitable housing development grants. Or, perhaps, there could be a tax incentive for landlords or investors who offer housing below fair market value for rent or purchase.

Overall, the City should provide statements regarding gentrification of neighborhoods that have a large percentage of people of color and any proposals that should be implemented to make these transitions less invasive and threatening. It is also highly recommended that anti-displacement and affordable housing alternatives are explored to offer residents, who have longevity in a neighborhood, the opportunity to stay in their homes and enjoy the benefits new revitalization have to offer.

The City should financially partner with other entities such as Lexington Community Land Trust, the Lexington Fair Housing Council and the Lexington Fayette Urban County Human Rights Commission, for an educational film screening on the history of housing practices and community discussion. Furthermore, the city must hold regular community input sessions to receive continuous feedback regarding housing, gentrification and affordability in Lexington.

RECOMMENDATION #8: The city must implement actions to curb predatory investors.

The situation of predatory investment is far too common. Individuals, who are usually minority, and have no interest in selling their homes are repeatedly contacted by over-zealous investors, asking them to consider selling. On August 3, 2020, the Housing & Gentrification subcommittee received a response to the gentrification survey, specifically the question regarding opinions on whether or not they lived in a neighborhood they would consider “gentrifying.” This respondent, who identifies as a 63-year-old black female from the West End of Lexington, affirmatively stated she believed her neighborhood was in fact, a gentrifying neighborhood. This individual’s reasoning as to why her neighborhood is

gentrifying was ... “People always calling or sending letters through the mail about would you like to sell your home.”

The topic of predatory investors was a frequent discussion of the Housing & Gentrification subcommittee. Predatory investing not only destroys the cultural fabric of the neighborhoods, but totally changes the character of the neighborhoods. By pricing long-term residents out of the neighborhoods, predatory investing works to increase property values and tax assessments, making once affordable homes, unaffordable.

RECOMMENDATION #9: We recommend the work and function of this subcommittee continue to not only see each recommendation through to fruition, but continue to provide a laser focus on housing issues that impact African Americans living in Lexington.

Mayor Gorton, this document is a call to action. Mayor Gorton, this document is an indictment. Mayor Gorton, this document is a brief picture of what African Americans living in Lexington, have faced, are currently facing, and will continue to face unless your administration acts with all deliberate speed.

African Americans are facing unjust evictions every day in Lexington. Every day, African Americans in Lexington are being harassed by predatory investors who want to purchase and flip their homes. African Americans in Lexington struggle to find safe, affordable housing options. Mayor Gorton, what will you do to eradicate the harm.

In closing, the Housing & Gentrification subcommittee acknowledges that due to the time frame we were given, we were unable to address all housing issues faced by African Americans living in Lexington. However, we would like to draw the Mayor’s attention to the following areas of opportunity for positive change that were lifted up by the public through our community engagement survey and email feedback. Additional concerns included: homelessness, including youth homelessness; local fair housing ordinance expansion; the addition of Source of Income as an additional protected class; increased homeownership opportunities; and housing issues faced by immigrant and refugee communities.

HEALTH DISPARITIES REPORT

INTRODUCTION

Health disparities are differences in health among socially disadvantaged racial/ethnic groups and economically disadvantaged people within any racial/ethnic group. Health disparities adversely affect groups of people who have systematically experienced greater social or economic obstacles to health based on their racial or ethnic group, religion, socioeconomic status, gender, age, or mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; geographic location; or other characteristics historically linked to discrimination or exclusion. (Healthy People, 2020).

The overall objective of the Health Disparities Subcommittee was to identify the most significant systemic factors that lead to disparate health outcomes among Black and Indigenous People of Color (BIPOC), and make recommendations to dismantle those factors caused by structural racism. The subcommittee adopted the overarching goals of the Health Equity Framework to demonstrate upstream social factors downstream impacts, such as health status, mortality, morbidity, and life expectancy.

Our subcommittee addressed four major social determinants: food, e.g. food access and availability; community and social context, e.g. support systems, community engagement, medical mistrust; neighborhood and physical environment, e.g. transportation, walkability, green space; and health care system, e.g. provider availability and cultural competency.

Currently, there are no sustainable or standard processes to measure, monitor and report health disparities based on race and ethnicity, nor are there impact measures. Consequently, health inequities are not quantifiable and there is a lack of data to guide the strategies to affect policy and infrastructure changes necessary to adequately address the issues that negatively impact the health outcomes of Black and Indigenous People of Color (BIPOC).

At the root of health inequities is a power imbalance in who shares the decisions that impact health. We need to develop more power within and together with communities of color in Lexington-Fayette County. We need to invest the appropriate time to remove the reasons People of Color (POC) are underrepresented in decision-making that impacts the following barriers:

- Historic and contemporary discrimination
- Language and cultural barriers
- Limited availability for health promotion activities
- Lack of exposure & knowledge regarding public policy
- Past lived experiences of trust breaches

To address these barriers we offer five recommendations that will require immediate action from City leaders. These solutions address food policy issues and potential partnerships with schools, neighborhoods, and healthcare institutions.

RECOMMENDATION #1: Community Health Worker: Data indicates a lack of community awareness of health-related resources and a lack of culturally competent healthcare providers, which contributes to mistrust of the healthcare system. Evidence indicates that Community Health Workers (CHWs)/Promotors are uniquely positioned to build trust and address the barriers by traditionally underserved communities when seeking medical care and services. The CHW will be a layperson, with at least a high school diploma, who lives in one of the areas that experience disparate health outcomes e.g. East or West End.

Therefore, we list these necessary steps for immediate action

- Hire a fulltime CHW by the local hospital system

CHW Duties:

- Serve as a liaison between the Mayor's Office, community residents and hospitals
- Navigator to health services
- Maintain documentation and reporting
- Foster aggressive, culturally appropriate, communication campaigns regarding health-related matters, e.g. COVID-19 response and recovery, testing, vaccine, Easy 1-2-3 insurance, research opportunities that may provide precision medicine outcomes for people of color, etc.
- Leverage technology to communicate health information e.g. text messaging, calling posts
- Coordinate neighborhood based services, e.g. periodic mobile services to the affected communities mobile screenings, mobile food markets, and placed-based services
- Advocate for expanded clinic hours to accommodate the schedules of community members
- Review health messaging with Lexington-Fayette County Health Department (LFCHD) Community Advisory Board to ensure targeted messaging to the community
- Foster relationships with additional potential community partners e.g. health centers, recreation centers, social organizations, community members, to assist with community outreach efforts
- Collect data to support benchmarks and metrics of success e.g. number of referrals
- Seek funding: Potential funders: Robert Wood Johnson Foundation, Healthy Kentucky Foundation

RECOMMENDATION #2: Improve Food Access & Healthy Food Options

Currently, there are no methods to adequately address issues related to food insecurity. The issue is multifaceted in that the current food system does not consistently address widespread food insecurities experienced by residents of the most at-risk neighborhoods. Moreover, there are no consistent opportunities to obtain public input on

solutions or use underrepresented businesses as part of the solution to provide food options and increase accessibility of healthy food options. Other root causes of food insecurity include transportation challenges, regulation and allocation of SNAP and proximity of food retailers to communities of color.

Therefore, we list these necessary steps for immediate action.

- Adopt the mission of the Supplemental Nutrition Assistance Program (SNAP), which is “To increase food security and reduce hunger by providing children and low income individuals access to food, a healthy diet and nutrition education in a method that supports American agriculture, locally grown produce, and inspires public trust and confidence.”
- Expand current options for mobile food distributions that includes a model similar to that in Louisville, KY (Dare to Care-Mobile Market)
- Establish a regularly scheduled weekly Mobile Market to various locations based on need determined by data (e.g. zip code report of food insecurities)
- Explore opportunities to strengthen mobile food distributions in terms of publicized routes and schedules
- Strengthen and expand relationship and presence of Black Soil (www.blacksoil.life) and other minority owned businesses that could participate in communities of color, either by donating funds and/or produce for use by SNAP eligible retailers
- Strengthen and continue KY Double Dollars Program for WIC Farmer’s Market Nutrition Program and Senior Farmer’s Market Nutrition Program
- Partner with local hospitals to ensure patients discharged from hospitals with food insecurities are connected to food resources and assessed for SNAP eligibility
- Create a repository of Minority Owned Businesses that could participate in the Community Farm Alliance and Bluegrass Farm to Table initiatives
- Follow-up and reassess the feasibility of Better Bites/Fresh Market via Tweens Coalition
- Partner with community planners/developers for future addition of food establishments/markets/grocery stores so food deserts are targeted as a priority for placement /construction with the caveat they would be required to meet SNAP standards
- Continue and strengthen the alliance with Community Farm Alliance
- Lexington Fayette County Health Department Community Advisory Board and other identified stakeholders to develop solutions to address food deserts (ideal community partners: Steven Overstreet & Michael Halligan with God’s Pantry)

RECOMMENDATION #3: Improve Transportation Services

Currently, transportation options are inefficient for individuals without personal vehicles. Data indicates barriers to accessing healthcare related to transportation challenges, such as multiple bus transfers with long bus rides to and from medical appointments, and prolonged work absences to obtain medical care. Moreover, the Wheels Paratransit is currently limited to individuals with disabilities and long wait times when using Wheels.

Therefore, we list these necessary steps for immediate action.

- Expand Lextran Wheels Paratransit medical transit-line to run either through the medical districts, or to provide door-to-door transportation for individuals with low socioeconomic status
- Partner with private rideshare services such as Uber Health for direct pick-ups and drop-offs for medical appointments and the pharmacy

RECOMMENDATION #4: Improve Cultural Competence/ Provider-Patient Congruence

Currently, there are no data that monitor, report, or incentivize a diverse healthcare workforce. As a result, individuals in communities of color have limited choices to obtain healthcare from providers that reflect their image or cultural background. The lack of physician patient concordance has a potential negative impact on healthcare outcomes, misdiagnoses, and mistreatment and/ or treatment omissions. Other potential issues include patients not being seen as unique individuals, listened to, or understood, which affects healthcare quality and safety.

Therefore, we list these necessary steps for immediate action.

- Cultural competence training for all Lexington-Fayette County employees to include Mayor’s Office
- Influence local healthcare settings to hire diverse staff

Support pipeline programs

- Black Male Working (BMW) and UK College of Medicine Pipeline Program through development of yearly scholarship for minimum of one student accepted to medical school with requirement to remain in Fayette County post graduate for defined period
- Develop and support UK College of Nursing Nurse Practitioner Program through similar BMW scholarship program
- Explore pipeline relationship with College of Health Sciences, Pharmacy, etc.
- Explore other pipelines offered through the Institute for Diversity and Health Equity Summer and Fall Enrichment Programs

RECOMMENDATION#5: Strengthen County Government & CHIP Work Group Collaboration.

Currently, there are no tracking methods or metrics of community health outreach activities e.g. COVID-19 testing, hence it is impossible to determine whether the priority communities are reached/ served by the event or determine the impact of the event. A structured collaboration between the Mayor’s Office and the Lexington Fayette County Health Department (LFCHD) Community Health Improvement Plan (CHIP) Work Group could serve as the overseer of the recommendations of the Health Disparities Subcommittee.

Therefore, we list these necessary steps for immediate action:

- Build on the data collected by the LFCHD’s Community Health Assessment and Improvement Plan (CHIP) to monitor and track the progress and impact of the Mayor’s Health Disparities Subcommittee. The CHIP document reviews current health trends through multiple sets of lenses. LFCHD uses the information derived

from the community health assessment to inform decision-making for community engagement and partnerships.

- CHIP will develop data metrics necessary to provide an annual county-level Minority Health Status Report card on health outcomes, e.g. diabetes, obesity, asthma, cardiovascular disease, preventative screenings, mental health, risk behaviors, cancer, morbidity, mortality, hospital length of stays, readmits, ER visits, etc.
- CHIP will work in concert with LexBeWell to report and develop additional strategies to address the data derived from the Community Health Assessment
- LFCHD will oversee health-related community outreach to the affected communities e.g. COVID-19 screening, vaccines, flu vaccines. Immediate Action: LFCHD to oversee all data collection for community outreach events
- Continue the Community Needs Assessment (formerly Community Health Assessment-CHA) for qualitative data every five years and use the data as a metric of community perceptions on the impact of the Mayor's Racial Commission on Justice & Equality
- Develop a Community Advisory Board comprised of lay citizens from each affected community. Justification: Data suggest a lack of trust and feelings of marginalization among communities of color. The Community Advisory Board will work closely with the Fayette County Health Department & CHIP to develop solutions to health disparities
- Consider the relevance of annual insurance report of coverage (e.g. Kaiser Family Foundation Source) along with inclusion and prosperity score annually/biannually for impact and trending of interventions (e.g. National Equity Atlas/Policy Link)
- Inclusion score to review gap between race & ethnicity
- Prosperity Score-measures outcome for total population
- Based on nine indicators centered around: economic vitality (median wages, unemployment, poverty level); readiness (education attainment, disconnected youth, school poverty-free lunch %); and connectedness (air pollution, commute time to work, housing burden)
- To track metrics and progress, select a screening tool to assess Social Determinants of Health during all community outreach events and patient encounters, such as the following:
 - Develop a community resource manual that includes a directory of health care providers of color (e.g. Black Pages). A potential resource for this work is the Chapter of the Links, Inc. which developed the Central KY African American Healthcare Directory.
 - Consider a partnership with the Office and Systems of Medical Licensure as a source to identify African American providers.

- Regarding CHIP WORK Group- LexBeWell partnerships each local health system (e.g. St. Joseph's UK healthcare, Baptist) to send an appropriate representative to support the work of CHIP.
- Mayor's Office can provide a dedicated liaison: Consider Chris Ford (Commissioner of Social Services); Craig Cammack, and Laura Hatfield, Director of One Lexington- particularly to oversee the Community Advisory Board and serve as a member of CHIP
- Community Advisory Board elevated and visible on Mayor's website to demonstrate collectivism and collaboration between county government and communities of color
- Statistical Support for development of Common Data Elements and Deriving Data
 - UK Center for Health Equity Transformation (CHET) and College of Public Health to provide statistical support to LFCHD Epidemiologist
 - UK College of Public Health and/or Center for Health Equity Transformation to assign graduate student to support the work of CHIP as part of their degree requirement
 - State Medicaid providers (AETNA; Passport, WellCare, Humana) to provide county-level data on health outcomes to assist with the Minority Health Report Card developed by the KY Department of Public Health.

Consider a partnership with Sandy K. Brooks or designee of the Office and Systems of Medical Licensure as they collect demographic data with licensure

- Regarding policy have State Medicaid to pursue preventative service State Plan Amendment to reimburse for CHWs.
- Appoint a community member on each county level board to strengthen collaboration between county government and the people of color and to allow input on the neighborhood impact of health equity recommendations.
- Require full time school nurse in every Fayette County School
 - To assess for COVID-19 cases and contact tracing;
 - To address the emerging data regarding decreasing vaccination rates due to the pandemic,
 - To assess children for SDoH and connect them to resources
 - To assess for other common screening needs included general health (vision, hearing, oral, emotional/mental health, vaccinations)

- Require sidewalks and green space in every neighborhood
- Require the Commissioners to establish strategic goals based on the Minority Health Report card

In closing, please note we have sought to address all forms of health and healthcare inequities by offering a roadmap to operationalize our recommendations to address racial healthcare inequities. We have identified measurements to track health outcomes and changes and the contributing factors that influence outcomes. We have also sought to be mindful to collaborate and communicate with communities to co-create solutions to inequities based on individuals' lived experience and knowledge of the community and the challenges.

Based on feedback from subcommittee members, a review of historical documents, and anecdotal reports from key stakeholders, we offer these recommendations with the utmost confidence that our leaders will give them their strongest consideration. The health of the African American community is depending on them.

LAW ENFORCEMENT, JUSTICE & ACCOUNTABILITY

INTRODUCTION

Though a daunting task and a dubious distinction — particularly in light of recent local, state, and national traumatic events that have exacerbated tensions and accentuated pre-existing inequities — we deeply appreciate the vote of confidence evidenced by selecting us to lead. The audacious and intuitive principles of Acknowledge, Ask, Address, and Action provided an adequate springboard for the work from the very beginning. In fact, it inspired core tenets we established to ensure a working atmosphere most conducive to mutual respect for such a tenuous topic. This core tenet was “Systems not People — Improvement not Punishment.”

Members of the Law Enforcement, Justice & Accountability (LEJA) Subcommittee brought diverse perspectives, lived experiences, subject-matter expertise, determination, and humility to the table, and were able to come together to engage in meaningful dialogue on emotionally charged issues in a respectful and effective manner. They displayed the very type of expressive, yet constructive, dialogue we must be able and willing to have if we truly want to see Lexington become the best city it can be. Without this grit wrapped in compassion and dedication, the LEJA could never have accomplished consensus on recommendations that will elevate our city, once they are implemented.

While much good effort has occurred, much work remains to be done. Addressing the many longstanding systemic issues and inequities — not only within the field of law enforcement, but also within the broader criminal justice system — is not a sprint, but a marathon. This quest has illustrated the doggedness we all will need to get this done. It is our hope that the recommendations included here will meaningfully contribute to the efforts. In fact, we believe if adopted and rightly implemented they can propel ahead to increased trust and accountability. They take us some steps away from racial inequities and systemic racism in law enforcement and justice systems and move ahead to more equitable and trusted practices.

The subcommittee and its robust experience and expertise wasted no time gathering, discussing, and synthesizing a colossal amount of data, research, and information around first law enforcement, then justice.

Special attention was given to consulting and examining based strategies and emerging practices with proven results. The group also found value in considering initiatives and efforts that were found to be unsuccessful and/or detrimental. Discussion became individual opinions. Individual opinions became corroborated notions. These group-endorsed notions would ultimately become informed and accepted recommendations.

As recommendations formed, they were grouped into logical categories. **Law Enforcement** categories are: **(1) Citizen Input, (2) Monitoring and Accountability, (3) Training and Accountability 4) Structure and Staffing.** **Justice System** categories are: **(1) County Attorney, (2) Commonwealth Attorney, and (3) Courts.**

As a final step, the subcommittee was left to wrestle with the prioritization of all recommendations. Given the sheer gravitas of the issues, and the subcommittee charge to address systemic racism within the institutions, the subcommittee determined that ALL recommendations were priority and must be considered. Nonetheless, for Law Enforcement it was concluded that the recommendations (16 total) would be expressed as primary. Even in this, the subcommittee contests that training, recruitment, and hiring items cannot be dismissed. There are nine recommendations in the Justice & Accountability section. Because they are inextricably connected, we did not feel it was necessary to prioritize them. Please note that all recommendations were written in both an abridged and unabridged format. The unabridged version will be on the LFUCG website.

LAW ENFORCEMENT RECOMMENDATIONS (ABRIDGED)

CATEGORY 1: CITIZEN INPUT

RECOMMENDATION #1: Participation and transparency in LPD's disciplinary process and civilian assistance

I. Participation: Restructure the 7 Disciplinary Review Board membership to include three non-law enforcement civilians.

- 1) Amend the Collective Bargaining Agreement, Article 15, section 3(c) on the make-up of the Disciplinary Review Board to include 3 voting civilians.
- 2) Mayor appoints and swears individual citizens to serve on the Disciplinary Review Board.
- 3) Selection of the board's civilian membership should be by public application and recommendations sent to the Mayor and should come from each Council district. Representation should be encouraged from local civic groups, such as the NAACP, Urban League, LGBTQ groups, etc. and one of the 3 civilians should be African American.
- 4) The board's civilians should be volunteer appointments.

RECOMMENDATION #2: Civilian participation at the investigative stage in police disciplinary process

A panel of civilians will be sworn in as a law enforcement agency with limited jurisdiction to investigate informal and formal external police disciplinary complaints, a sworn civilian commission.

- 1) Mayor appoints and swears in individual citizens with investigative duties and responsibilities regarding public complaints against the police. This sworn civilian's commission will be independent of the police, but will mirror their Public Integrity Unity.
- 2) The commission will be a "law enforcement agency," by definition, with limited jurisdiction to investigate external complaints against the police. This designation should overcome any state law and collective bargaining agreement barriers.

- 3) The commission will present its investigative finding to the Chief of Police for processing, just like the Public Integrity Unit, but they will also present their investigative results to the Mayor through the Mayor's Commission of Public Safety for informational purposes only. The Chief will continue to be the person in position to act or not act on the findings.
- 4) Selection of commission's membership should be by public application, and one should come from each Council district, and representation should be encouraged from local civic groups, such as the NAACP, the Urban League, LGBTQ groups, etc.
- 5) Complaints that will be investigated by the commission are exactly the same as those investigated by the Public Integrity Unit and included in General Order 193-02K appendix.
- 6) Council will enter into a memorandum of understanding with the Lexington Police Department and Fraternal Order of Police to allow cooperation and exchange of information between police and the commission.
- 7) The commission should initially be a volunteer appointment, but a paid staff person should come from the Mayor's Office to assist in investigations.

II. Transparency: Publicize LPD complaints (without identity of parties) and dispositions

- 1) Police must publicize disciplinary dispositions as soon as available in a format generally accepted for public information.
- 2) Police should make every effort to comply with stated timeframes listed in the collective bargaining agreement on reaching disposition.
- 3) If extension is needed past the collective bargaining agreement timeframes, extension basis must be in writing and made available for the public by case number connection to the original complainant.
- 4) The Law Department should assist police in devising a way to acknowledge to the public the existence of a complainant, sector involved, date filed, the collective bargaining agreement timeframes toward disposition, and any requested extensions by assigning a numbering system that does not violate identifying information.
- 5) The Mayor will request a resolution of support in the KRS 15.520(6)(c) "gag rule" law change from the Council. The Mayor will request support from the Lexington legislative delegation to introduce the bill for the change. The Mayor commits this legislative change as one for the LFUCG paid lobbyist to work on.

III. Assistance: Assist Civilians in Filing Disciplinary Complaints against LPD with a Citizen's Liaison or Revamped Citizens Advocate.

The police Public Integrity Unit should provide transparent guidance through the process of "What to Expect When You File a Complaint." This could be in the form of a brochure, video, or other means to educate citizens, and should be shared with the Citizens' Advocate, Citizens' Liaison,

LexCall, and other avenues where citizens access public information. It should be posted on the City's website on the Public Integrity Unit page.

The Citizens' Liaison should possess the following duties:

- Be available for citizens Monday-Friday, from 8:00 a.m.-5:00 p.m. (if full-time)
- Assist in the writing of citizen complaints prior to sending it to Public Integrity Unit. This includes ensuring the citizen is aware of the type of supporting documents can be provided with the complaint.
- Inform the citizen as to what to expect when filing a complaint against the officer, as well as educating on the difference between informal vs. formal complaints and the estimated timeframe in which it could be resolved.
- Keep complainant updated throughout the process and answer questions along the way.
- Keep statistics on all complaints filed, including, but not limited to, demographics of race and age of the complainant(s) and officer(s).
- Conduct a survey with the complainant once the investigation or complaint is resolved.
- Assist Council in approval or denial of the disciplinary recommendations being presented to them.
- Any other duties deemed necessary by Council.

CATEGORY 2: MONITORING AND ACCOUNTABILITY

RECOMMENDATION #3: Officers be required to wear body worn cameras

- 1) Every sworn officer should be required to wear body worn cameras while performing law enforcement duties, with minimum exceptions, such as during undercover operations.
- 2) All officers performing law enforcement duties at approved off-duty jobs, in and outside the county, shall also be required to wear a camera, whether or not uniforms are required to be worn for public safety, that shall be subject to the same policies and procedures outlined G.O. 2015- 15B.
- 3) Body worn camera use assessment and report - Officers should be required to review a random selection (between 10%-25% depending on the reason) of their own camera video on an ongoing, annual basis for purposes of performance review, promotion consideration, during probationary periods, or when an officer is subject to any discipline, with such being conducted with an outside "Coach" that is versed in implicit

bias detection and/or with supervisors who have received annual implicit bias training from an outside source/coach with results of review documented in report form.

- 4) Camera Data Collection. Expand and enhance the collection of data for camera failures to more specifically include the type of equipment failure, reasons for an interruption/ending recording, the circumstance of the recording, i.e. arrest, interrogation, traffic stop, etc.
- 5) Decrease officer discretion to turn off or not activate the camera on the basis of “officer safety” and “witness reluctance to be recorded”, which will be scrutinized as to its validity prior to imposition of any discipline for that failure to ensure the reasons are truly as stated.
- 6) Increase graduated discipline for failure to violations of camera policies and procedures.
- 7) Camera technology that allows for an automatic activation, i.e. when weapon drawn, when specific buzz words are used by officer or person encountered.
- 8) Conduct a large scale study and analysis of data collected over the course of not less than one year, similar to the Stanford Study of the Oakland Police Department Body Worn Camera, including, and not limited to, traffic stops, to determine differential treatment of blacks, Latinx, disabled persons in comparison to whites based on tone, buzz words, specific language and words relating to anxiety, anger, respect, etc.
- 9) Increase timeframe in which department maintains non-evidentiary camera recordings to a period of not less than 60 days, and increase timeframe in which citizens have to file complaints to a like period of time.

RECOMMENDATION #4: Reviews of the FOP and collective bargaining recommendations

- 1) A local study to be conducted by a university and/or other consultants to examine the history of the Fraternal Order of Police that would include surveys, questionnaires, interviews, and other formal and informal academic process for the purposes of examining efficacy and potential modifications of the FOP and its current structure. The final report will be provided to the Mayor’s office.
- 2) Implementation requires state legislative action in state Law Enforcement Officers’ Bill of Rights law to make amendments to the areas that impede police officer accountability.
- 3) No city agreements be made in the immediate or in future collective bargaining contracts that would create restrictions, limitations regarding the implementation of disciplinary review boards, citizens review boards, or any other agreement that would impede full transparency or accountability efforts.

****** Implementation requires city administration to be aware of the recommendation during current and future collective bargaining negotiations.

RECOMMENDATION #5: Reviews of Police de-escalation and use of force

Reviews are currently conducted on use of force or critical incidents involving officers. The software used for those reviews and the reports which they generate are called “Blueteam.” LPD should incorporate formal documentation of de-escalation factors associated with use of force /response to resistance incidents in the “Blueteam” reports. LPD’s Critical Incident Review Committee should further assess the de-escalation factors utilized or not utilized, as they currently do for all use of force incidents, to identify trends, improve officer safety, and provide timely information for the department addressing use of force issues with the public.

RECOMMENDATION #6: Anti-retaliation policy against complainants

Police should create an explicit anti-retaliation policy prohibiting retaliation by officers and police staff against persons who make complaints. Such a policy is a necessary companion with the recommended robust plan for greater citizen participation, education, and assistance in the complaint process.

RECOMMENDATION #7: Officer Discipline

Currently, the look back period for officer discipline is five years. The recommendation is that the look back period be an officer’s entire career for the same type of conduct and behavior that violates department policy and procedure.

RECOMMENDATION #8: Enhance information in police reports

Officers should document all encounters where a consensual or probable cause search was conducted in conjunction with field investigations outside the execution of search warrants and/or subsequent arrest. The requirement to completely document each search shall apply to searches of persons, vehicles, land, buildings or property. Officers shall also document on the Field Investigation Form all circumstances of field investigative detentions where a person is handcuffed and not subsequently arrested.

RECOMMENDATION #9: Enhance Community Relations

Officers should provide a business card with his or her name and telephone number and/or web address upon his or her encounter with any and every citizen in his or her role on duty. The card will contain a link to the complaint and accolades site to allow for citizens to make both good and bad comments about his or her contact with that particular officer. This allows for ongoing community input and not just when requested or for two hours on one day during the department accreditation process.

RECOMMENDATION #10: Police to provide reports and analyses

Assess policing needs and reforms in Lexington and make regular reports to the Mayor, Council (including its Planning and Public Safety Committee), Chief of Police, and the media, with the goal of eliminating systemic racism. Analysis and reports in these areas:

- 1) Analyze and report E911 data - E911 office monthly report to Council / Mayor.
- 2) Citizens Crime and Law Enforcement Survey (local) - One Lexington office.
- 3) Victimization Survey (requires grant) - Office of Grants & Special Programs.
- 4) Report on progress of recent reforms undertaken in police policies and practice - monthly from Chief of Police to Mayor/Council.
- 5) Analysis and reporting on NIBRIS data furnished to FBI (with UK or EKU)
- 6) Police report to public on historical data and patterns of bias: Work with local historians to undergo a review of their archives to uncover past patterns of bias and make an official report to the public. This would offer a more complete response to the Presidential Task Force on 21st Century Policing. It also educates current officers and Lexington residents about the hurdles they face in building trust with particular communities. For many outside of communities of color, the often violent and discriminatory policies of police forces prior to the 1970s have never been fully understood. The legacies of that behavior bleeds into, not just the current concerns of these communities, but also possibly policies and practices that may be understood to now be race neutral but originated in circumstances that continue to impact policing in those communities.

RECOMMENDATION #11: Submit information to the National Use-of-Force Data Collection

All law enforcement agencies in Lexington-Fayette County need to submit their data to the National Use-of-Force Data Collection. A secondary recommendation for consideration is communicating the need to our Fayette County legislators to consider statewide legislation to make submission by Kentucky law enforcement a requirement rather than a voluntary submission.

CATEGORY 3: TRAINING, RECRUITMENT, & HIRING

RECOMMENDATION #12: Recruit new officers for the Lexington Police Department and Fayette County Sheriff's office based upon the recommendations from the publication hiring for the 21st Century Law Enforcement Officer

- 1) LFUCG should increase funding for police recruiting effort.
- 2) LFUCG would be well served by hiring a consultant outside our system to enhance our current hiring and training of officers.
- 3) Broadening the recruitment beyond local community and state efforts, including employment postings at culturally diverse fraternities, sororities, and historically minority educational institutions throughout the United States. With this

recommendation it is expected that additional cultural competency training would be required for new hires from other states.

- 4) Expand identification and use of psychological tools. Specifically, tools that can identify racial implicit and explicit bias conducted by clinical psychologist or psychiatrist.
- 5) Examine and review the makeup of the oral board panel used in the interview process to ensure inclusion of culturally diverse and high crime neighborhood members.
- 6) Police should create a “diversity committee” to help with recruitment composed of both department personnel and community members to increase the number of police officers who reflect the communities they serve.
- 7) Police should incorporate a minority participation goal for the Police Explores Program to mirror Lexington demographics.
- 8) Increase the number of police officers who reflect the communities they serve.
- 9) Create a citizen survey regarding crime issues and the police department to assess what citizens think about crime problems and enforcement. Utilize the survey results for determining hiring needs.

RECOMMENDATION #13: Enhance and Establish Bias Training and Evaluation Procedures

- 1) Create a long-term plan for reduction in bias.
- 2) Officer training should include a course on the history of race and policing in the U.S. that also includes local history. Educating officers on this history could provide a historical context for current tensions and trust among Black residents and law enforcement officers.
- 3) Police and the Fayette County Sheriff’s Office should adapt a specific screening for racial bias in candidates.
- 4) Broad analysis of stored body worn camera footage to assess for patterns of bias that may not be evident in current review procedures. This big data analysis could assist with refining training procedure on bias and other issues where the departments feel they can improve officer behavior.
- 5) Conflict mediation / resolution training: All active police officers must take and complete annual “Conflict Mediation and Resolution” certification courses, assessments and continued education (in addition to de-escalation training courses).
- 6) Field Training Officer Refresher Course: A refresher course shall be provided by the Training Academy for FTO’s every year.

- 7) Officer Education online with Eastern Kentucky University: Police should partner with ECU to provide an opportunity to bridge the gap between the associate degree provided by Bluegrass Community Technical College for Officers and Sergeants who are interested in obtaining a bachelor degree through the completion of an online police studies program at Eastern Kentucky University.

CATEGORY 4: STRUCTURE AND STAFFING

RECOMMENDATION #14: Establish Officer/Office of Accountability, Monitoring, and Equity

Lexington must develop and fully implement a position, office, or agent with the primary intent and function of monitoring police activity and other sectors of the justice system. The person in this position should have the capacity to analyze and gather data to identify any trends, methods, policies, or conditions that may indicate racial disproportionality, discrimination, or inequity. Data and activity to be regularly assessed, but not be limited to, inordinate presence in a particular geographic footprint of the city, use of force, body worn camera footage, personnel issues/complaints, convictions and/or other metrics necessary for thorough and timely identification of inequitable practices.

This person will also work to coordinated various data strategies by law enforcement, the Administrative Office of the Courts and those in the justice sector to allow for systemic analysis and independent data as the foundation for future policy decisions. This office will report regularly to the Council and make their findings accessible to the public using various print and online formats.

RECOMMENDATION #15: Establish 911 Diversion Plan-Pilot

- 1) Analyze 911 calls to detect patterns and concentrations of calls pertaining to mental health, addiction and homelessness issues.
- 2) Train 911 dispatchers as to which calls that can be appropriately handled by non-law enforcement/or fire department.
- 3) Retain the services of a paramedic and a social worker to serve as a team to respond to cases that dispatchers believe may be handled by non-law enforcement/or fire department.
- 4) Deploy the new response team during the targeted time slots and in the selected geographical area.
- 5) Collect data as to the number and type of calls, manner of response and outcomes.
- 6) Report to the Mayor and Council after a year of operations.

*** Goal: To direct calls pertaining to individuals with Mental Health, Addiction and Homelessness issues to appropriate services and to avoid incarceration and hospitalization*

RECOMMENDATION #16: Sobering Center

LFUCG should develop a plan to create a sobering center. The plan should include a strategy to identify and pursue external funding from grants and garner state/federal support. A sobering center is a facility or setting providing short-term (4-12 hour) recovery, detoxification, and recuperation from the effects of acute alcohol or drug intoxication.

JUSTICE SYSTEM RECOMMENDATIONS (ABRIDGED) FOR THE OFFICES OF FAYETTE COUNTY ATTORNEY, FAYETTE COMMONWEALTH'S ATTORNEY, COURTS

RECOMMENDATION #17: Both offices should look into implementing a program such as Vera Institute of Justice Prosecution and Racial Justice Program, which publishes a guide to aid prosecutors seeking to conduct research into their offices' work and address any problems contributing to racial disparity the research uncovers. The guide is based on nine years of experience as research partner with a number of district attorneys around the country.

RECOMMENDATION #18: Both the Fayette County Attorney and the Fayette County Commonwealth's Attorney should develop and require continuing education on the subject of racial disparity in prosecution and its negative effects on the community.

RECOMMENDATION #19: Programs should also be instituted that teach cultural competence, so prosecutors can effectively interact, communicate and understand people across cultures.

RECOMMENDATION #20: The Fayette County Attorney's Office should consider broadening their diversion program to include more offenders by making diversion available for all first time offenders who qualify, and any misdemeanor offender without charges over a five-year span. They should also implement culturally component strength based behavior modification as an alternative to incarceration. The strength-based approach focuses on the positive attributes of a person or a group, rather than the negative ones.

RECOMMENDATION #21: The Fayette Commonwealth's Attorney Office should review its policies regarding Persistent Felony Offender charges, which can result in over-incarceration and which disproportionately affect Blacks and African-Americans. The discretion to bring these charges rests solely with the Commonwealth's Attorney Office.

RECOMMENDATION #22: The Mayor's Office/prosecuting offices should fund/conduct a study to examine how many people reached negotiated plea deals with prosecutors, details on initial offers, how these offers changed over time, and if plea deals varied based on race of the person accused of a crime, prosecutor, or victim, and make findings public.

This information would provide both prosecutors and the public with transparency in the use and effect of prosecutorial discretion. Additionally, this study would provide prosecutors with insight into their office's practices and patterns. Data collection can lead to improved practices, fairer policies, more appropriate sentences and diminish racial disparities.

RECOMMENDATIONS FOR THE COURTS

RECOMMENDATION #23: Court Staffing: Court personnel should reflect the racial and ethnic background of the community, and should have mandatory instruction on racial bias in order to better serve the needs of minority groups.

RECOMMENDATION #24: Trial Judges should use all efforts to educate jurors on racial bias, and to ensure an unbiased jury panel. Peremptory challenges inject racial discrimination into the jury selection process. Prosecutors, defense counsel and judges should seriously consider elimination or modifications to these rules in order to ensure representative juries.

RECOMMENDATION #25: Judges should recognize that lengthy periods of probation may serve to cause a piling on of longer sentences and result in over-incarceration. Probation, by design, is an important alternative to incarceration and should be encouraged. But courts should be wary of using probation as an automatic response to low-level offending, and should ensure that probation prevents incarceration rather than just delaying it. Currently, probation acts as a net-widener that unnecessarily expands the correctional system's reach to people who commit low-level crimes or who are low-risk and do not need to be under strict supervision.

While much good effort has occurred, much work remains to be done. Addressing the many longstanding systemic issues and inequities — not only within the field of law enforcement but also within the broader criminal justice system — is not a sprint, but a marathon.

This quest has illustrated the doggedness we all will need to get this done. It is our hope that the recommendations included here will meaningfully contribute to the efforts. In fact, we believe if adopted and rightly implemented they can propel ahead to increased trust and accountability. They take us some steps away from racial inequities and systemic racism in law enforcement and justice systems and move ahead to more equitable and trusted practices.

MINORITY REPORTS

During the Law Enforcement, Justice, & Accountability Subcommittee's discussions, it became apparent that some members disagreed with some of the recommendations put forward by the majority of the subcommittee. The following responses reflect their objections.

LAW ENFORCEMENT RECOMMENDATIONS

Citizen's Input Recommendation: *A panel of civilians will be sworn in as a law enforcement agency with limited jurisdiction to investigate informal and formal external police disciplinary complaints, a Sworn Civilian Commission.*

Objection #1: There are many citizen groups that have requested a Citizen's Review Board to review complaints received against the Lexington Police Department. We do not believe anyone on the subcommittee objected to that premise generally of reviewing cases of alleged abuse by the police, and to be reviewed by citizens not associated with the police

department. As one subcommittee member stated, it's healthy and promotes support for law enforcement. However, there were a few concerns expressed by those who ultimately objected to or disagreed with this proposal as written and find there are aspects of the proposal that would cause issues with current KRS Law and with Council. It would ultimately be difficult to pass as written.

The below concerns outline our objections:

- 1) The legal authority for the Mayor to swear in a group of citizens as a "law enforcement agency." Law enforcement agencies listed (Lexington, University of Kentucky, Fayette County Schools and Kentucky State Police) are all official agencies with law enforcement power, who attend weeks and months of ongoing training to learn about the law, especially Fourth (search and seizure), Fifth (right against incrimination) and Sixth (right to an attorney) Amendment implications, how to investigate a case, standards of proof – probable cause and beyond a reasonable doubt, etc.

So it was not clear in the recommendation who would be responsible for the training of the proposed members, what they would be trained to do, and what power they would have. Learning and understanding how to investigate a potential civil charge (that would result in formal discipline of an officer) and possibly a criminal charge (which could result in taking an officer's liberty), and being responsible for knowing the hundreds of general orders and criminal statutes, is a very serious matter that individuals are extensively trained to do.

From that, would this group be under the legal umbrella of LFUCG? For example, if a complaint was filed against any of the members or the Sworn Civilian Commission sued for harassment or rights violations during their investigations, does the city take on this legal responsibility and represent them in court? Who would be responsible for overseeing their work to ensure they were legally requesting the right documents? Some documents in an investigation can only be obtained by a subpoena, a grand jury subpoena in a criminal investigation, a search warrant, or a court order. So, not only would this proposal give additional authority the Public Integrity Unit does not have, there would need to be someone responsible for training and oversight of these individuals to make sure they were not improperly obtaining documents.

- 2) There could be a possibility conflicting information can potentially harm or interfere with the prosecution of a criminal case. If the Sworn Civilian Commission group is investigating a possible crime, any information obtained from that investigation may need to be provided to the officer in discovery. That includes any conflicting statements made to the Public Integrity Unit and the commission. Conflicting statements would play into the credibility of those witnesses, and affect the outcome of a case. In addition, this group of citizens involved in the investigation could potentially become witnesses at trial, testifying as an investigator about collecting information and interviewing witnesses and subject to extensive cross-examination. We believe this is a lot of responsibility for a group of citizens who will be operating on an unpaid/volunteer basis, and the jury would take that into consideration as to their knowledge and expertise.

- 3) It is our understanding that the Disciplinary Review Board gets the full investigation of the Public Integrity Unit, all statements, documents, and evidence to review to decide what discipline, if any, should be taken. Adding the civilians to the Disciplinary Review Board would allow them to review all the documentation, ask questions, suggest additional evidence/information if requested, and fully participate in the process. Because the investigation is conducted by those already trained to do so, we believe the information collected would be more complete than if a group of civilians were tasked with doing so.
- 4) Numerous oversight groups were mentioned during these commission meetings – Ethics Commission, the KY Bar Association, and the Judicial Oversight Committee. These committees all have citizens on the board, and have limited “investigative” powers. None conducts investigations for potential criminal penalties. We believe placing citizens in the role of essentially “prosecuting” cases of alleged abuse is not ideal. Police work is difficult, complex and in many cases comes with split second decisions based on years of experience and training. In addition, there are technological, bureaucratic and legal issues to consider. The community would be best served by having someone with training and/or experience to do the job well. Furthermore, Fayette County juries tasked with deciding criminal and civil matters don’t conduct their own independent investigations. Given the gravity of the situation, we are concerned with giving a group of citizens more power and ability to conduct “investigations” than other, already established, commissions, boards and juries of other like professions.
- 5) Because we did not have the ability to fully discuss other citizen review boards – those that were successful and those that were not – we are in favor of a review of other boards in other locations to determine what would work under our current government/police structure. Such a review should take into consideration our statutes and our LFUCG rules and regulations, to provide a good, working board that serves the needs and desires of those that requested it. What we do not want is for Council to say this current model was not possible. We would then be back to square one without any desired result for the citizens who requested it.
- 6) If a Citizen’s Review Board is determined to be the best route then the recommendation should be just that – ask for Council to support changes to KRS to allow for Lexington to pursue a Citizen’s Review Board format. Once the law is changed to allow such a review board, then trained and experienced persons can be hired to delve into the facts and legal issues that can present the case to the Disciplinary Review Board, and ultimately to the Council. Leaving the investigation and prosecution to a team of three citizen volunteers with limited, if any, experience, makes it too much of a challenge to overcome.

These objections are supported by the following:

- Mrs. Briana Persley
- Mrs. Kimberley Henderson Baird
- Ms. Diana Queen
- Judge Ernesto Scorsone
- Sheriff Kathy Witt

- Assistant Chief Brian Maynard

MONITORING AND ACCOUNTABILITY RECOMMENDATION: Enhance Policies on Body Worn Cameras

Recommendation: *Body Worn Camera Use Assessment and Report. Officers should be required to review a random selection (between 10%-25% depending on the reason) of their own camera video on an ongoing annual basis for purposes of performance review, promotion consideration, during probationary periods, or when officer is subject to any discipline with such being conducted with an outside “Coach” that is versed in implicit bias detection and/or with supervisors who have received annual implicit bias training from an outside source/coach with results of review documented in report form.*

The below concerns outline our objections:

- We understand and appreciate the need and concern for this recommendation, however, this request is not practical for several reasons. There are hours of footage that is captured on a body worn camera pending call volume and days the officer works each week. For a Coach to review data ahead of time in order to identify and know what to discuss would cause, at minimum, one coach to be assigned to every squad. That would require 36 coaches for patrol and a minimum of 67 Coaches to be assigned to cover the entire Lexington Police Department.

In addition, a patrol officer would either be pulled one day out of the four they work each week to review their body worn camera videos with the Coach, or have to report overtime to make this happen. This would cause severe staffing and or overtime issues with our current staffing levels and patrol assignments. We will note that supervisors -- Sergeants, Lieutenants, Commanders and Assistant Chiefs -- already review several body worn camera videos every week, and address issues they observe. If an officer has a formal or informal complaint regarding their actions, even more video is reviewed. So there are coaching reviews already being done by supervisors, just not to the level of 25% as required with this recommendation.

We do agree that a management level of implicit bias detection training would be beneficial and current supervisors could utilize that training while reviewing videos and address observed concerns.

Recommendation: *Decrease officer discretion to turn off or not activate body worn camera on the basis of “Officer Safety” and “witness reluctance to be recorded”, which will be scrutinized as to its validity prior to imposition of any discipline for that failure to ensure the reasons are truly as stated.*

The below concerns outline our objections:

- 1) Sworn police personnel understand the importance of having the camera on, and we will emphasize that all personnel want them on. However, there has to be discretion with officer safety when an officer is confronted with an immediate threat and/or response. When an officer has to choose between drawing his or her weapon, advising radio of the immediate threat or response they are being faced with, and activating their camera, the officer only has

two hands. The first two actions have to take priority, not only the officer's safety, but in many times the public's safety as well. Decreasing this option is impractical in a world where life and death reactions and decisions have to be made within seconds.

Recommendation: *witness reluctance to be recorded*

The below concerns outline our objections:

- 1) We submit there are times when the body worn camera should not be activated due to witness reluctance to be recorded and provide a statement due to the information being provided far outweighing the need to be publicly reviewed on video. This is also one recommendation that would potentially do more harm than good on the practical application side. As noted during our subcommittee discussions, the Commonwealth Attorney's Office has had a witness in a murder case who absolutely refused to speak to officers unless the recording was turned off. This individual was the sole witness who watched a murder occur, and was terrified to talk with detectives. If that person realized detectives had secretly recorded them, because we would have to turn over the recording to the defense, then they would not have trusted the Commonwealth Attorney's Office or the detectives, and would have refused to participate in the case due to fear of retaliation. Many times when officers arrive on a scene of a crime people do not wish to talk to police or "snitch," but officers can generally get someone to speak to them anonymously if not recorded (similar to Crime Stoppers). They won't end up being a witness but that person can provide investigative leads to solve cases and provide an opportunity to locate other witnesses who will testify.

Recommendation: *Increase timeframe in which department maintains non-evidentiary body worn camera recordings to a period of not less than 60 days and increase timeframe in which citizens have to file complaints to a like period of time.*

The below concerns outline our objections:

- 1) LPD does not have a maximum time period to file a complaint from the date of incident. We do store non-evidentiary body worn camera video data for a period of 30 days. After the 30 days, that data is deleted as part of our retention schedule in accordance with KRS. The deletion at this point was set in order to help control costs associated with data storage. Changes in the retention schedule would financially impact the department.

These objections are supported by the following:

- Mrs. Kimberly Henderson Baird
- Sheriff Kathy Witt
- Assistant Chief Brian Maynard

STRUCTURE AND STAFFING RECOMMENDATION: Establish 911 Diversion Plan-Pilot Project

Recommendation: *To direct calls pertaining to individuals with mental health, addiction and homelessness issues to appropriate services and to avoid incarceration and hospitalization. Create a pilot project like CAHOOTS in*

Eugene, OR: Analyze 911 calls to detect patterns and concentration of calls pertaining to mental health, addiction, and homelessness issues. Train 911 dispatchers in how to direct those calls to appropriate non-law enforcement or fire department personnel. Use a team of paramedic and social worker to respond to such cases. Collect data on number and types of calls, response and outcomes. Report to Mayor and Council after one year of operation.

The below concerns outline our objections:

- 1) We object to this recommendation on two fronts. 1) If such a recommendation includes the reallocation of Public Safety Funds from the police department to other agencies accordingly then we do not support this proposal. 2) Lexington Fire Department developed a Paramedicine Program in 2017 as a way to provide services using a holistic approach through home visits, education and individual assessments to offer not just a short-term solution, but to look at the long-term needs of folks who are high consumers of E-911 services. Through funding with an initial grant, and now private funding supporting the program, it incorporates two firefighters and a police detective working as a team to navigate the needs of our 57 most vulnerable residents. We firmly believe adding a social worker to this team and providing opportunities to increase the number of paramedicine teams available to handle calls for service, the paramedicine program would continue to excel. We firmly believe if the Paramedicine Unit was able to present their current operation to the subcommittee during our meetings then the paramedicine program would have been recommended over the CAHOOTS suggestion.

These objections are supported by the following:

- Sheriff Kathy Witt
- Assistant Chief Brian Maynard

RACIAL EQUITY REPORT

INTRODUCTION

The subcommittee held its first meeting on July 16, 2020, and continued to meet weekly thereafter until its final meeting on August 31, 2020. In addition to these meetings, subcommittee members engaged in independent discussions with vice-chairs of other subcommittees. The goal of these discussions was to align our objectives and recommendations given the subcommittees' specific focus on what we perceive as historical systematic barriers to racial equity and areas in which racial inequity still persists: housing, education, economics, police and law. Finally, vice-chairs LaToi Mayo and P.G. Peebles interviewed Dr. Melynda Price and Dr. George Wright, both of whom are recognized authors and speakers on racial equity issues.

Each subcommittee member was virtually present for the majority of all weekly meetings. Subcommittee members came prepared and engaged-actively, participating and sharing insights and recommendations. Subcommittee members independently gathered research on particular racial inequities in our city, and reviewed resources and reports provided by the LFUCG Task Force. They also reviewed local agencies addressing racial inequity and shared ideas bolstered by their own experiences, knowledge and skillsets to the group to develop recommendations to achieve racial equity within our community that are sustainable and accountable.

In addition to the meetings described above, subcommittee members reviewed weekly meeting minutes of other subcommittees and resources shared with these subcommittees. In our opinion, to truly accomplish and sustain racial equity throughout our community, racial equity must exist in education, health, economic, housing and within our police and legal institutions.

Most importantly, subcommittee members reviewed and analyzed the *State of Black Lexington Report of 2010*. Although this report is 10 years old, it continues to have relevance today. This invaluable resource outlines the socioeconomic conditions of Blacks in Lexington, based on the quantitative and qualitative data collected and analyzed by experts, which was synthesized with realistic and contemporary Lexington issues and conditions. This publication relies upon this data to provide guidance to help develop governmental strategies to address socioeconomic conditions that contribute to racial inequity in Lexington. The information provided in this publication was also helpful to develop strategies to influence governmental funding and legislation to improve racial equity within our community.

One of the first tasks tackled by our subcommittee was to define “racial equity.” While all members have faced inequities in some form in varying aspects of our lives over times, racial equity can take on a very different meaning depending upon one’s own life experiences and opportunities. Drawing upon several resources which included books and articles, the subcommittee believes that racial equity exists when:

- The distribution of resources and opportunities is neither determined nor predicted by race, racial bias or racial ideology.

- The structures, systems, practices and cultural narratives in society provide true situational fairness and equal opportunity.
- There is a democratic commitment to dismantle the false narrative of white supremacy and address the legal, political, social, economic, cultural and historical contributors to inequity.
- Families and individuals are able to thrive and flourish in the intersections of all aspects of their identity, including race, religion, gender, orientation, ability, and socioeconomic background.
- The most vulnerable communities in society have access to mechanisms to achieve social mobility and voice in naming their reality, describing how these systems of oppression play out, and developing solutions which draw upon their assets.
- All people, cultures and identities are equally valued and recognized under the belief that strength comes through the diversity and expression of our shared humanity.

Racial inequities in income, health, education, housing and other indicators of social and economic well-being have been created and perpetuated over multiple generations through systemic bias, public policy, and institutional practices. Eliminating these inequities requires ongoing review and thorough analysis of existing practices and future proposed policies to root out inequities and promote equity, opportunity, and inclusion.

Implementing this impact assessment requires government and agency leaders who are willing and able to support the planning, design, and execution of the assessment process — and ensure their findings inform policy decisions. Elected and appointed city officials can design tailored racial equity assessments and integrate them into policy development and implementation processes. Community-based organizations, residents, and advocates can promote the use of racial equity tools and hold officials accountable for their implementation.

In order to address Lexington-Fayette County’s racial inequities, we offer the following recommendations:

RECOMMENDATION #1: Implement Racial Equity Impact Assessments

Racial equity impact assessments are a formal process in which the city, school and other quasi-governmental agencies periodically review and analyze how a budgetary decision or legislative policy decision may affect different racial and ethnic groups. These assessments will help local leaders to understand the racial equity implications of an existing or proposed policy, program, or institutional practice, and to determine if it will ameliorate or exacerbate existing racial inequities. By setting clear equity goals and establishing standards of measurement at the outset, leaders can maximize and accurately track the racial equity impact of policy and budgetary decisions informed by the assessment process.

An equity impact assessment is a structured analysis that can be applied to any standard policy or decision-making process by identifying the populations likely to be affected and taking steps to close existing racial gaps and/or mitigate unintended disparate impacts or consequences.

This framework can easily be adapted and implemented throughout all city operations. Some racial equity assessment processes concentrate on budgets and expenditures, while others are designed to analyze all policy and program decisions.

Addressing ongoing racial inequities is both an economic and moral imperative. According to the National Equity Atlas, racial gaps in income cost the United States about \$2.4 trillion in 2014, and a 2015 Harvard Business Review [report](#) found that racial health inequities cost the economy an estimated \$245 billion in excess health care expenditures, illness-related lost productivity, and premature deaths.

Implementing this impact assessment requires government and agency leaders who are willing and able to support the planning, design, and execution of the assessment process — and to ensure that their findings inform policy decisions. Community-based organizations, residents, and advocates can promote the use of racial equity tools and hold officials accountable for their implementation.

Elected and appointed city officials can design tailored racial equity assessments and integrate them into policy development and implementation processes.

RECOMMENDATION #2: Create and Implement a Multi-Media Communications Strategy Designed to Educate, Inform and Engage the Community on Matters of Racial Equity

The Mayor and city leaders should work to sustain and support public knowledge and engagement in racial equity issues, as well as engage the African American community in all efforts to work toward social justice. Therefore, we believe, it is necessary to do the following:

- Dedicate resources that will develop strategies and methods identifying target audiences.
- Work to create a “safe space” for ongoing community dialogue and engagement.
- Determine whether publication guidelines have been adapted to allow for social media and other non-traditional platforms.
- Utilize relevant non-traditional and social media platforms as a means of communication.
- Distribute information on the work of the Commission for Racial Justice and Equality.
- Engagement opportunities to sustain ongoing work.
- Communicate and promote political and economic events which bring African Americans into the center of community wide representation and decision making.
- Dedicate staffing or contracted agencies to meet the communication strategy priorities, as well as distill information that is engaging and accessible to a variety of audiences.

RECOMMENDATION #3: Establish a Job Training and Community Center

Besides delivering tailored training to meet the workforce needs of employers and expanding access to stable, family-supporting careers for workers without a college degree, apprenticeships can be an effective tool for advancing racial economic inclusion. Historically, many apprenticeships were administered through labor unions, effectively serving as legacy programs for friends and family of union members and largely excluding people of color, women, and other disconnected jobseekers. But advocates, educators, workers, and program designers can implement key strategies to embed equity throughout the apprenticeship process, from recruitment to job placement and beyond. By working with employers to identify apprentice opportunities, encouraging pre-apprenticeship training can increase access to high-quality training and good jobs for people of color and low-income workers, while meeting industry needs.

Elected and appointed city officials can support the use of apprenticeship and pre-apprenticeship programs offered by a Job Training and Community Center for public sector jobs, and support the use of public workforce dollars, including state and federal funding streams, for apprentice programs in the private sector. For non-traditional occupations, the public sector can provide start-up investment and anchor apprenticeship programs in collaboration with private sector employers. Business leaders can participate in apprenticeship programs by working with government officials to offer paid apprentice employment and partnering with public agencies, unions, and community-based organizations to establish and secure resources for apprenticeship programs.

Apprenticeship programs will have successful equity outcomes when there are entry points that intentionally include outreach to people of color, women, and low-income job seekers. Employers — including frontline workers who can serve as trainers and mentors — and industry groups should be continuously engaged in program design and improvements.

RECOMMENDATION #4: Establish a Citywide or Neighborhood-Based Summer Youth Job and Apprentice Program as Part of the Job Training and Community Center:

Providing young people with summer jobs allows them to gain valuable workforce experience in a safe, productive way during the summer months when they are out of school. Summer youth employment programs can help young people build financial stability at the critical moment of earning their first paychecks. Research shows that a low-income child with a savings account in their own name is four times more likely to complete college. In addition to workforce skills, summer youth employment programs can offer financial education and a safe infrastructure for young people to learn how to save and avoid high-cost, predatory financial services such as payday lenders and check-cashing services.

Business leaders can support summer youth employment by agreeing to hire a certain number of youth every summer, or offering donations to help fund job placements at nonprofits and government agencies. Community-based organizations and other advocates can hire youth as part of the employer base for summer youth employment programs and can also work with city leaders to ensure that programs effectively serve youth with the greatest need.

Elected and appointed city officials can establish a citywide or neighborhood-based summer youth employment program as part of the Job Training and Community Center. Research shows

that summer employment is higher among teens from wealthy families than those from poor families. White youth are significantly more likely to find summer jobs than young people of color.

Summer employment programs are not proven to positively impact future employment, earnings, or academic achievement, but they can give young people opportunities to develop work experience, soft skills, and professional relationships that help them transition into longer-term employment. This be especially important for low-income youth and young people of color, who do not have access to the same networks and social capital as their affluent White counterparts.

We believe the Job Training Community Center and Summer Youth and Apprenticeship Program will foster students' understanding as to why reading, math and language are important. In the end, this will go a long way in helping to close the achievement gap for poor and minority youth.

Developing, implementing and sustaining racial equity requires time, a strategic plan, and ongoing objectives that can be sustained with data points for future accountability metrics. With this goal in mind, the subcommittee believes the way of addressing systemic racism, achieving racial balance and promoting equity can be found in creating awareness of our communities' problem of racism and its impact on all children. Communicating long-term impacts of racially disproportionate outcomes on the Fayette County community; expanding the coalition of anti-racist advocates and practitioners, and funding and implementing anti-racist training and education will mitigate some of our greatest challenges.

In conclusion, we strongly believe in the importance of measuring the progress and overall efforts to close racial gaps. For many years now, African Americans have lagged behind White Americans in access to housing, employment, education and healthcare. They have had to confront myths, stereotypes, cultural perceptions, political opposition and economic downturns which have served to minimize their interests and concerns. Racial assessments, employment opportunities, communication strategies and a strong commitment from government and education leaders to invest in African American children and youth is key to addressing the systemic and systematic racism in this community.

CONCLUSION

The Inaugural Edition of The State of Black Lexington was published in 2010. While the Urban League of Lexington-Fayette County led this initiative, other leaders had a key role developing the publication. The report sought “to explore and enlighten community leaders, agency administrators, and the greater Lexington community on issues specific to Blacks in Lexington.” It intended to “better understand issues impacting Blacks in Lexington; inform and empower Blacks about issues impacting Blacks in Lexington and, use the information obtained to develop and enhance services needed within the Black community.”

The Edition was grounded in a public opinion telephone survey with 600 residents, evenly divided among *African American*, *Caucasian*, and *Hispanic* members of the community. Survey questions centered on “Quality of Life,” “Equality and Issues of Race,” “Employment,” “Housing,” “Health Care,” “Education,” “Safety,” and “Minorities and Their Communities.”

The data revealed “nearly one in five blacks, strongly disagreed that Lexington is a fair and just place.” (page 12). Professors from Eastern Kentucky University observed: “Based on the data in this document, a significant number of African Americans, relatively speaking, believe they continually experience marginalized lifestyles in Lexington.” *The State of Black Lexington* served a vital purpose in examining the racial pulse of the community. Another university educator described it as “an excellent baseline of information to put in to action and lends itself to implement future actions” (page 5).

Ten years later, Lexington-Fayette County continues to wrestle with the historic challenges and obstacles have produced a myriad of divided perceptions and perspectives between races. This report has demonstrated there remains a social, political, economic, and cultural split between the *haves and have nots*. As has been the case for many decades, African Americans find themselves once again beholden to the interest, understanding, commitment and investment of the larger White community. The disconnect is real. The gaps and disparities between Blacks and Whites are real. Systemic and systematic racism in Lexington-Fayette County is real. For some persons, it’s hard to see or accept while others are indifferent to matters of race. But, for African Americans, it’s a highly visible reality in their everyday lives. Therefore, we trust that our city leaders will not seek to apply another outdated ointment to old wounds that continue to fester with each passing year.

The Commission for Racial Justice and Equality worked tirelessly over the past three and half months to compile a document that will create a *Greater Lexington* community. As Co-Chairs, we commend all the commission members for their knowledge, experience, hard work, and commitment toward the publication of this document. Many of the commission members hope the Mayor and City Council will vote to permanently establish a commission on race in order to develop more suggestions as well as monitor the outcome of the recommendations submitted.

The report has clearly identified obstacles and opportunities, policies and practices, conflicts and challenges that have impacted African Americans. It has provided creative ideas and solutions for new partnerships and positions that address complex problems. Moreover, it has raised to the forefront concrete issues relating to accountability, transparency, and sustainability. It is apparent systemic racism continues to abide in the heart of the Bluegrass. Lexington is not immune to the racist thought and practices plaguing the nation at large. To assume our community is an oasis, is

baseless and naïve. Recent demonstrations in Louisville and around the country reflect the frustrations and impatience with local elected officials, university administrators, and others who deflect attention from the practices of systemic racism.

Because Mayor Gorton is committed to “meaningful change,” encouraging inclusion must first be reflected in the Mayor’s Office and LFUCG in general. There is one African American “minority” administrative support person in the Mayor’s Office, and there are no African American officials/administrators in the Office of Chief Development Officer, although there is considerable African American representation within the City’s economic development partner agencies. The Division of Budgeting and Finance Administration has no minority officials/administrators. Yet, minorities currently represent 77.2% of the employees in the Division of Waste Management.

This reality check also leads to another matter about race. To demonstrate LFUCG’s commitment to inclusion, we believe it is vitally important to include a category for African Americans in the EEO Job Category. Listing numbers in the “minority” categories does not provide complete information about the City’s workforce and hiring practices. It is a superficial means of addressing the City’s willingness to include African Americans or historically marginalized people in general.

We commend the Mayor for hiring an Officer of Diversity and Inclusion in order to encourage a diverse workforce within LFUCG and engage with the community. However, it is critically necessary to further elevate the role and responsibility of this office. The Office of Diversity and Inclusion should be properly staffed along with resources, and a budget that can effectively communicate and address issues facing the African American community regarding employment, diversity training and hiring practices.

We believe the Mayor must be more intentional connecting with the African American community on issues of housing, healthcare, education, economic development and policing. The latter has drawn the most interest for sure. Over the past months, the issue of no-knock warrants in particular has become a national issue. In June, the Mayor issued a moratorium on no-knock warrants. Although these warrants have not been used in Lexington in the past year and will have to go through levels of review, this is an issue that must be immediately addressed. The Louisville Metro Council has voted to ban no-knock warrants. Although the issue may not be a concern now in Lexington, it would be prudent for the Mayor to also take action that ban these kinds of warrants as a show of support of the “Black Lives Matter” movement and to eliminate the possibility of a similar crisis in the future involving the police and the Black community.

We also encourage the Mayor to heed to recommendations regarding access and opportunity. African American children and youth have been disproportionately affected by various social and economic conditions. The City should make every possible effort to nurture their hopes and dreams of knowing they have a future in Lexington. They need to see people who look like them as leaders in city government and business, professionals in health care, and as teachers, principals, and administrators, both in and outside the classroom.

In closing, this report has sought desperately to ask questions and provide answers. We trust the community-at-large now has a better understanding of why this report was needed. Who makes decisions in Lexington? What do African Americans want and need? What are the creative solutions for eliminating systemic and systematic racism here at home? And, more generally, how can we

eradicate the marginalization of African Americans in this city? The answers in this report are direct and honest. The steps we must take to move forward will require compromise, courage, sacrifice, and a willing spirit. If Mayor Gorton *really* wants to lead Fayette County through “meaningful change,” she cannot be like others—*justify inaction and pass the responsibility on to others.*