

LOUISVILLE METRO POLICE MERIT BOARD

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IN RE: APPEAL OF BRETT HANKISON

REQUEST FOR MERIT BOARD HEARING
(TO BE HELD IN ABEYANCE)

The appealing Officer, Detective Brett Hankison, by counsel and pursuant to Louisville Police Merit Board (“Merit Board”) Rule 10.1(2) and Hearing Procedure Rule 3.1, hereby notifies the Merit Board, and the Chief, of his appeal of the termination of June 23, 2020, to the Merit Board. Grounds for the appeal are as follows:

The Chief, on directive of the Mayor, terminated Brett Hankison before completion of the criminal investigations into the events of March 13, 2020, and before an internal, Professional Standards investigation has been started. A full account of the events at Breonna Taylor’s apartment on that date has not yet been assembled, and may not be for some time.

Members of the public, angry with our nation’s 400-year history of racial oppression, and horrified by the video of George Floyd’s death and other recent events, have pressured the Mayor to take immediate action against officers who discharged their weapons on March 13. The history of racial oppression is indeed angering, and what happened to Mr. Floyd is indeed horrifying. But to assume that the events at Ms. Taylor’s apartment must be like those in the death of Mr. Floyd, or any other particular incident, is not justified. Any determination of whether to punish Hankison, and if so what the punishment should be, must rest on facts and evidence, not on assumptions. Brett Hankison’s actions must be judged based on what they really were—and that is not yet fully established. Gaining that information will require completion of the investigations now being conducted by three independent agencies—the Kentucky

Attorney General's Office, the FBI, and the Kentucky State Police. Those agencies should have been allowed to complete their jobs before any decisions regarding punishment were made.

Recent fact checking reported in the Courier Journal and elsewhere confirms that many of the things that have publicly been said about the March 13 events are false. But rather than wait for the facts to be established, Mayor Fischer announced last week that he was moving to terminate Hankison. Chief Schroeder promptly issued charges alleging that Hankison "blindly" fired his service weapon and "failed to be cognizant" of the direction in which he was firing. Among the few things presently established is that the ballistics regarding the bullets fired have been compiled (although they have not been released). Notably, the charges do not allege that any round discharged by Hankison struck Ms. Taylor. If the ballistics supported the conclusion that any of the rounds fired by Brett Hankison struck Ms. Taylor, it is inconceivable that the charging document would have failed to include that allegation.

Why then has the Mayor not done the obvious, logical thing, and waited for a full investigative accounting of the incident, before ordering the Chief to fire Hankison? Why impose a punishment before the facts have been fully assembled? Why have the Chief and the Mayor created a termination document amped up with hyperbole, using terms such as "blindly firing," "shock to the conscience," and "alarmed and stunned"? Unfortunately, the answer is that this termination is a cowardly political act. It would have taken courage and integrity to calmly state: "We must wait until the investigations have been completed and the evidence is in hand before making any determinations regarding discipline."

Brett Hankison should not be punished unless the facts show he committed wrongdoing, and the facts are not yet in. This Merit Board, created to see that the hiring and firing of police officers is based on merit and just cause, and to protect against political considerations in such decisions, should not countenance what has happened.

Specifically, this appeal states:

- Brett Hankison did not “blindly” discharge his firearm, and did not lack cognizance of the direction in which he fired, but acted in quick response to gunfire directed at himself and other officers.
- Brett Hankison’s actions were not contrary to S.O.P. 5.1.2 or to S.O.P. 9.1.12.
- The allegations in the charging document are not supported by the evidence.
- The penalty imposed is disproportionate and excessive.
- Sufficient ground for termination of Brett Hankison does not exist, and the discipline is unjustified.

As is customary under these circumstance, the appealing Officer requests the Board to hold this matter in abeyance pending resolution of criminal proceedings.

RESPECTFULLY SUBMITTED,



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CERTIFICATE

It is hereby certified that the foregoing was served by fax or email, and by mail this June 24, 2020, on the following persons:

Original to:

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