

PSU COMPLAINT

Complainant: Tamika Palmer
Date of Birth: 9/11/76
Address: P.O. Box 161538
Louisville, KY 40256
Email: tpalm0911@yahoo.com
Location: Louisville
Date: January, February & March 2020
Involved: Shawn Hoover
Description: See below

To the LMPD Professional Standard Unit,

I am initiating a complaint against officer Shawn Hoover in relation to his conduct associated with the death of my daughter, Breonna Taylor, and the surrounding investigation. Lt. Hoover was the ranking officer on scene, yet he exhibited conduct which showed a reckless disregard for honesty, safety, integrity and leadership.

Lt. Hoover was present at Breonna's for the execution of the search warrant, yet for some reason was not on the original whiteboard list of assignments. He insists that the officers announced themselves prior to attempting to force entry into Breonna's home, yet he indicates that the officers only announced themselves three times. Given that the officers all concede that it took three attempts to ram Breonna's door completely open, this in and of itself confirms that the officers did not attempt to announce their presence until after efforts at forced entry were made. Hoover, as the ranking officer, was responsible more than anyone else for assuring that compliance with knock and announce requirements was made. He did not do so.

Hoover proceeded to Breonna's home without seeing a risk matrix, a formal operations plan, a search warrant checklist or the actual search warrant. Hoover knew that these were policy violations, even eventually stating that it "was on me." Hoover did not delineate assignments for the officers or have a plan to overcome what he calls a "terrible layout to make an approach." Hoover proceeded to Breonna's without any extra magazines, which he of all people knows is both a policy violation and a tactical nightmare. I find it hard to believe that any officer, especially a lieutenant, which proceed to a residential search warrant execution without any extra ammunition. Furthermore, Hoover eventually turns in his firearm with a round in the chamber and 14 rounds in the magazine. Nearly all officers will confirm that they carry a full 15 round magazine, plus an additional round in the chamber. From the looks of it, Lt. Hoover likely discarded his original magazine and reloaded, turning in his firearm for a round count with the extra magazine loaded.

When the officers arrived on scene, a new vehicle had appeared parked in the middle of the roadway, yet Hoover disregarded its presence and did not slow down the process. Hoover states that Detective Hankison was around the corner covering patio doors and provides a configuration of the stack, generally, which contradicts that which was provided by Hankison, Cosgrove and Tony James. Hoover states that Tony James went in with the shield to cover the officers, but not even James states this took place.

Hoover indicates that Mattingly was shot, went to the ground and was returning fire. He states that he grabbed John to drag him away, and that it was at this point that Cosgrove made his way in front of them towards Breonna's. This contradicts the statements of these officers in certain respects: Mattingly states that he was able to get out of the breezeway on his own, before falling over Campbell. Cosgrove indicates that he was immediate cover for Mike Nobles and that

he steps into the home almost immediately after the door was rammed. Somebody here is being untruthful.

Following the shooting and the departure of Mattingly from the scene, Hoover permitted, and directly participated in, actions which were in blatant violation of policies and protocols for officer involved shootings. He did not separate himself or any of the involved officers from the scene. He repeatedly walks the scene with Hankison, flashlights beaming, canvassing for evidence. At one point, Hoover asks a SWAT member for an update and even suggests that he would like to walk up the crime scene and the breezeway to survey the area. Hoover has obvious markings on his hand, yet does not submit to gunshot residue testing at PIU. In fact, Hoover does not even have a Peer Support Team Member assigned to him at PIU. Hoover states to PIU that he assumed somebody had been shooting at them with a rifle, despite the fact that one, single shot was fired from Kenneth Walker inside apartment. This was from a 9 mm pistol. Hoover tells PIU that none of the officers stepped foot in the apartment, which was blatantly false. Body camera footage shows Brett Hankison walking inside the apartment, in the presence of SWAT, with a flash light as he identified evidence and inquired about the presence of a firearm. Furthermore, ballistics evidence confirmed that shots were fired from officers inside the apartment and multiple officers admitted in their own statements that they made entry into the apartment after the door was rammed. SWAT body camera footage literally shows Officer Hogan identifying and pointing out multiple casings and slugs to other SWAT members inside the apartment. Most of these were gone by the time the scene was processed and photographed. Notably, Lt. Hoover let Sergeant Luke Phan, who was the head of Hankison's squad, enter the crime scene AND even the residences of both Apartment 3 and Breonna's home. In fact, SWAT members released Breonna's home to Luke Phan. The fact that Breonna's home was handed over to Brett Hankison's direct CID

sergeant, rather than to PIU, CSU or even an officer without a connection to the operation and the officers involved, is incredible and needs to be investigated.

Hoover then proceeds to state that “they were ambushed” and that multiple neighbors even knew they were there prior to entry. Again, this was a false statement. The one individual who knew of their presence was not a neighbor: he was a man who was on the scene to pick up his daughter. All of the actual resident neighbors from Apartments 1, 2, 3, 5, 6, 7 and 8 unequivocally stated that they did not know police were there and did not hear them announce themselves prior to gunshots being heard.

Hoover also failed to acknowledge the presence of individuals other than the seven (including him) who were publicly identified. The body camera footage of former officer Joshua Rucker reveals a white vehicle that departs the scene after a back and forth exchange with Hankison. An occupant of that vehicle calls to Hankison by name. This was not just a neighbor being turned around. Additionally, the body camera video of Officer Gida and others shows that, behind the white Tundra of Mike Nobles is an unmarked, law enforcement issued grey Ford Taurus which is also departing the scene at the same time Mike Nobles is doing so. The vehicle is similar to those operated by Shively detectives. The occupants of the Taurus were never disclosed and Hoover misled LMPD and the public to believe that only those seven identified were on scene. This Complaint demands that Hoover identify the additional individuals on scene, regardless of whether they were LMPD members or members of another agency, such as Shively or otherwise. Given the propensity of your CID members to operate on task forces, it would not be uncommon for another agency to lend members to this operation, especially given that at least four of the assigned detectives for the warrants that evening were unable to participate in the warrant executions. It appears plausible, if not likely, that a last minute scramble for additional bodies

ensued. Furthermore, phone records of Brett Hankison confirm that several conversations were held by phone with a Shively detective throughout the hours following the shooting. Hoover himself had conversations with Brett Hankison by phone in the hours following the shooting, compromising the integrity of the investigation. Presumably, Hoover had several other conversations as well which went undiscussed and unproduced despite their clear importance.

Lastly, Lt. Hoover was issued a body camera prior to the execution of the search warrant. He is well aware of his obligations to record law enforcement actions. As a Lieutenant, he has an obligation to lead by example. But rather than wear a body camera and activate it and assure that others on scene did the same, he instead failed to record footage and condoned the same from his subordinates. Lieutenant Hoover acted well outside of what would be expected from an LMPD lieutenant. Instead, it appears that his priority on March 12 and 13 was to obtain overtime pay without actually performing the critical safety requirements necessary for a raid into a home. And that he proceeded to go along with the raid despite the obligation to call it off when it become clear that the required planning and paperwork for the raid did not exist.

CONCLUSION

The actions and inactions of Shawn Hoover are unacceptable, intolerable and unbecoming of a ranking officer on scene. He lacked control of the situation, lacked the supervisor skills which were necessary and tampered with an investigation. LMPD should sustain these substantial violations of policy and impose severe consequences.

Respectfully Submitted,

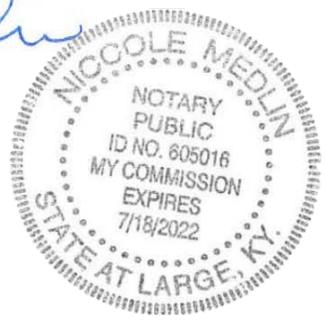
Tamika Palmer

Tamika Palmer

Date: March 8, 2021

Witness Signature: *Laurel Baker*

Notary: *Nicole Medlin*



VIOLATIONS (NON-EXHAUSTIVE)

5.1.5 TRUTHFULNESS/UNTRUTHFULNESS

Members are required to be honest and truthful in all matters related to their scope of employment and operations of the department. Untruthfulness is prohibited and may warrant termination. This includes

- Making a false, misleading, or untrue oral or written statement, report, record, and/or communication
- Failing to accurately report all facts pertaining to an investigation;

4.12 DRESS AND EQUIPMENT REQUIREMENTS FOR PLAINCLOTHES SWORN PERSONNEL

Plainclothes officers will carry the following equipment:

Firearm with at least one (1) fully-loaded spare magazine

- ASP, baton, Oleoresin Capsicum (OC) spray, or Conducted Electrical Weapon (CEW) (carrying a CEW while in plainclothes is optional)

Plainclothes officers will have departmentally-issued green wristbands readily available at the scene of an incident for identification purposes to other responding officers or civilians (refer to SOP 4.28).

4.31 WEARABLE VIDEO SYSTEM (WVS)/BODY-WORN CAMERA (BWC)

The Louisville Metro Police Department (LMPD) has adopted the use of wearable, on-officer cameras to further the mission of the department and enhance service to the community by **accurately documenting events, actions, conditions**, and statements made during citizen encounters, traffic stops, arrests, and other incidents in order to promote officer and public safety.

The LMPD has adopted the use of the WVS to accomplish the following objectives:

- **Enhance officer safety.**
- **Document statements and events** during the course of an incident.
- **Enhance the officer's ability to document statements and actions for both internal reporting requirements and for court preparation/presentation.**
- **Preserve visual and audio information for use in current and future investigations.**
- Provide an impartial measurement for self-critique and field evaluation during officer training.

- **Enhance the public's trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings, strengthening departmental transparency, and reducing complaints.**
- **Allow for the supervisory review of officer-citizen contacts, critical incidents, and other police operations.**

WVS equipment is the responsibility of the individual officer to whom it is assigned.

The WVS shall be used to record **all calls for service and law enforcement activities/encounters** (e.g. arrests, citations, stops, pursuits, Code 3 operations/responses, searches, seizures, interviews, identifications, use of force incidents, collisions, transports, **warrants**, etc.).

Officers will also **immediately activate their WVS in recording mode prior to engaging in all law enforcement activities or encounters**. Officers will verify that their WVS is functioning in recording mode by listening for the audible tone and/or checking the visible light indicator.

During their tour of duty, or while engaged in uniformed law enforcement-related **secondary employment**, officers shall maintain their WVS in a constant state of operational readiness. The WVS shall be used to record all calls for service and law enforcement activities/encounters (e.g. arrests, citations, stops, pursuits, Code 3 operations/responses, searches, seizures, interviews, identifications, use of force incidents, collisions, transports, warrants, etc.).

Officers shall not erase, destroy, alter, or tamper with recordings.

8.12.4 PROCEDURES FOR OFFICERS INVOLVED (KACP 1.12)

Officers involved in use of force actions or motor vehicle collisions, which result in death or serious physical injury, will immediately be placed on administrative leave or administrative reassignment, pending an administrative investigation (refer to SOP 2.5) (KACP 10.2a). Each officer involved will be **assigned an escort officer at the scene** by his/her commanding officer. The escort officer should be a Peer Support Team (PST) member, departmental chaplain, or commanding officer, when possible. The escort officer should not have been involved in the critical incident and should **remain with the officer throughout the entire initial investigation**.

The escort officer is responsible for:

- Explaining the investigative process to the officer involved.
- Assisting the officer in contacting his/her private attorney, friends, or family members, as requested.
- Transporting the officer to the PIU office, when requested by the PIU Commander or investigators.

- Verifying that the officer is isolated from all non-essential individuals for the remainder of the initial investigation.
- Transporting the officer home at the conclusion of the initial investigation.

The PIU will secure Mobile Video System (MVS) footage and **Wearable Video System (WVS) footage belonging to involved and responding officers.**

11.2.2 EVIDENCE PROCEDURES

Evidence shall be **properly collected, accurately documented, and secured**, thereby keeping the chain of evidence short and the integrity of the chain complete (KACP 27.1). The chain of evidence begins with the seizing member.

Items requiring lab analysis or processing must be placed in separate packages. At no time shall any evidence be left unsecured prior to being turned over to the EPU.

11.4.1 EVIDENCE REQUIRING DRYING/REFRIGERATION

Items that require drying shall be turned over to the Crime Scene Unit (CSU) and placed in the drying room, before being deposited in the Evidence and Property Unit (EPU). Once it is dry, the CSU technician will package the item and deposit it into the EPU.

Perishable items of evidence (e.g. blood samples, urine specimens, etc.) shall be delivered to the EPU, deposited as evidence, and placed in the EPU refrigerator.

Supervisor Responsibilities

The immediate supervisor of the Squad preparing the search warrant will oversee the planning and development phases of all search warrants. More specifically, the immediate supervisor will be involved in the search warrant process from its inception and/or notification of a detective's intent to serve one. This oversight and review will include a review of the search warrant affidavit to check for:

- Completeness of the investigative measures that lead to the need for a search warrant.
- Adherence to organizational policies and procedures in gathering evidence for the search warrant.
- Steps undertaken to verify target addresses as accurate.
- Verification of informant identities and status.

- Completion of the Search Warrant matrix
- Completion of the Search Warrant checklist.

The supervisor will also verify and approve:

- The completion of an Operations Plan.
- That all personnel participating in the execution of the Search Warrant have been briefed.
- That all personnel participating in the enforcement action have signed and dated the operations plan.
- That all personnel have their required equipment, i.e., Ballistic Vests, weapon, extra magazines, handcuffs, OC spray, ASP's, and reflective arm bands.
- Prior to serving a warrant, the supervisor in charge will conduct a pre-service_meeting for personnel assigned to execute the search warrant. During this meeting, personnel will be assigned to search and entry teams.
- The supervisor is also responsible for reviewing the search warrant checklist and matrix with the lead detective prior to the pre-service meeting. All personnel involved in the execution of the warrant should be present at the pre-service meeting.

Hoover violated policy, and critical safety requirements, when he failed to do any of the following:

- Verify completeness of the investigative measures that lead to the need for a search warrant.
- Adhere to organizational policies and procedures in gathering evidence for the search warrant.

- Review a search warrant checklist and matrix with the lead detective prior to the pre-service meeting.
- Conduct a pre-service_meeting for personnel assigned to execute the search warrant.¹
- Review and sign off on an Operations Plan.
- Confirm that all personnel participating in the execution of the Search Warrant have been briefed.
- Verify that all personnel participating in the enforcement action have signed and dated the operations plan.
- Confirm that all personnel have their required equipment, i.e., Ballistic Vests, weapon, **extra magazines**, handcuffs, OC spray, ASP's, and **reflective arm bands**.
- Assure that the briefing addresses the following:
 - Person in charge
 - Location
 - Layout of the premises
 - Suspect information
 - Weapons
 - Possibility of children present
 - Required equipment (i.e. raid jackets, displayed badges, other identifications, etc.)
 - Surveillance conducted prior to entry.

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¹ Meany did not conduct pre-service meetings, did not assign a lead detective for Springfield and did not assign a search and entry team.

Execution of the Search Warrant

A supervisor shall be present during the execution of all search warrants. Additionally, all members of the Squad investigating/serving the warrant should be present during the execution of the warrant. The only acceptable exceptions where members of a Squad would not be present for the execution of a warrant are:

1. When searching a parcel.
2. When a search warrant is executed to install a vehicle tracker.
3. When a financial warrant is executed.
4. If exigent circumstances exist.

The Unit Commander will be notified by the supervisor in charge in the case of all of the aforementioned exceptions. The **Unit Commander's approval** is required to invoke the aforementioned circumstances.

Additionally, if exigent circumstances exist that require invoking these exceptional circumstances, the supervisor in charge will **provide written documentation, through the chain of command, to the Division Commander explaining the circumstances that caused the invocation of the exceptional action(s). This documentation will be completed before the supervisor's tour of duty.**

When executing the search warrant, the **lead detective will be in the passenger seat of the lead vehicle in order to lead the search warrant team from the vehicle to the target location. The Department's radio room will be made aware that a search warrant is being executed.**

Operational Plan

In order to provide the safest environment possible for enforcement action(s), all sworn personnel, prior to engaging in enforcement action, i.e., **search warrants**, buy/busts, reverses, controlled buys, money flashes, controlled deliveries, UC buys, etc., **will complete a written operational plan. This plan will be submitted through the chain of command and approved by the Squad Supervisor prior to the action being taken.**

Ethical Behavior and Accountability

We shall perform our duties with an unwavering commitment to integrity, professionalism, and dependability. We will be accountable for our decisions and actions to those we serve.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.