

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: Anthony Tony James
Description: See below

To the LMPD Professional Standard Unit,

I am initiating a complaint against Anthony (Tony) James in relation to his conduct associated with the death of my daughter, Breonna Taylor, and the surrounding investigation. The basis for my Complaint is described herein.

On March 13, 2020 Detective Tony James, as part of an official department investigation into the circumstances surrounding the killing of my daughter, gave a statement to the LMPD Public Integrity Unit. His assertions were wild, incredibly untrue and a deliberately dishonest attempt to paint a picture where my daughter and her boyfriend, Kenneth Walker, were firing guns repeatedly and indiscriminately towards the officers.

Detective James stated the following:

James: I guess that's when it just was a volley of rounds started coming out through the door.

I saw Jon go down. I saw him hit, I thought he was hit in the chest. Maybe the head too. **The amount of bullets, I can't even - I don't know, I know it was a ton, it kept flying out of the door.**

All I heard and **saw was rounds coming out hitting.**

They just kept shooting.

Detective Hankison came up, like, kind of beside him (Mattingly)...and returned fire also. As I went through the hallway to egress, **more rounds started coming out.** It sounded like more rounds were shooting at me, shooting at other people as we were going out.

As soon as it opened, it was instant **volley of rounds.** That's when **I saw the first grouping that came out.** I believe that's when I saw Jon go down.

Questioner: Okay, so you - you said grouping and volley. Can you ballpark it? Can you tell me how many exactly?

James: I mean, Sarge, honestly, **it sounded like eight to 15 rounds.**

Questioner: Okay.

James: Just **eight to 12. It was a lot.**

Questioner: Now is that **just coming from inside the apartment to out?**

James: **Yes.**

Questioner: Or is that both ways?

James: No, that's what was (coming). It was **several, several rounds, seven, six, seven, five, six, seven, eight more that just opened up on us...**

I thought they were gonna - honestly, I thought whoever was firing at us was gonna execute Jon right in front of me. Because it just kept comin'.

It wasn't like a three-round burst. It wasn't like, you know, eight shots and the magazine's empty. It was a volley of just bullets...

Questioner: How many volleys would you say?

James: Uh, well, after the first group and then it died, Sergeant Mattingly gets over to about the end of the end of the sidewalk. That's when I was, like, well, I'm not stayin'g here. This is a bad position. He's out there. There's a plate glass window. It's not gonna be real hard for them just to turn wherever they're at in that apartment and start shooting out the windows. Which is what I thought they did. And I think they did.

As I'm running, I'm hearing gunfire. The entire time. Um, which I perceived as **them firing more rounds at us out the windows or whatever.**

These statements of Tony James were a complete fabrication. They were knowingly false. They deliberately obstructed a homicide investigation. And the statements were made merely hours after the shooting, when memories were relatively fresh and there had been minimal opportunities for officers to get together and get their stories aligned.

It is conclusive fact that Kenneth Walker fired one shot. My daughter was unarmed and did not fire any shots. Had Tony James made a slight error of judgment with his estimation, by perhaps suggesting that 2 or 3 shots came from inside the apartment, then perhaps it would be understandable. But this is not what James says. Rather, Officer James indicates that the shots from inside the apartment “kept coming” out into the hallway. That he personally observed this barrage of gunfire and continuous bullets coming out into the hallway. That he was convinced that, because of all of the bullets coming out at them from inside the apartment, the officers were going to be executed.

These statements are precisely the reason why objective investigations into police involved shootings are critical. When deference is afforded to a statement from an involved officer, there is always the likelihood that the statement will be filled with self-serving lies which are made with the intent to protect the officers. Officer James blatantly lied. He hindered the investigation. Additionally, his statement appears to have been in furtherance of the false narrative which was permeating and polluting the department within hours of the shooting: that officers were ambushed by semi-automatic rifle fire coming from Breonna and Kenny while they were on the floor in prone, shooting stances. If the officers truly did nothing wrong, why would they perpetuate this narrative?

Officer James violated policy when he deliberately conjured and provided a narrative of events that was blatantly false and in violation of his obligation to be truthful.

Tony James was wearing a body camera during the raid of my daughter's home. No audit trail of the device and its usage have been produced. Either the device was not activated, or the footage was not otherwise properly uploaded and made part of the investigation. Of the seven LMPD members identified as participating in the raid of my daughter's home, six were assigned body cameras prior to those events. The failure to comply with policy here undermines public trust and, once again, results in a scenario where the subjective and one-sided narratives of police are conjured without worry that they will be contradicted by objective video footage of the events.

The record reflects no efforts to secure, upload or recover Tony James' WVS footage from March 12 and March 13, 2020. His WVS audit trail is not part of the record, despite LMPD documentation confirming that it is routine and common to procure this information in an effort to discern the existence of relevant footage. Nothing in the record reflects that the internal memory of James' WVS was secured and uploaded.

Tony James also removed critical evidence from the crime scene and failed to provide it to the Crime Scene Unit. John Mattingly's firearm was not provided to CSU or PIU at the hospital. Instead, it was placed in an unmarked LMPD vehicle which was left unattended. James' body camera unit was not provided to CSU or PIU at the hospital. Instead, it was placed in an unmarked LMPD vehicle that was left unattended. Incredibly, James took possession of Officer Mattingly's wallet, which was examined by LMPD's forensic medical examiner and which contained ballistics evidence and blood, after it was examined by the doctor. He did not leave it with the doctor and did not give it to the CSU technician at the hospital. Instead, he placed it in an unmarked LMPD vehicle which was left unattended.

Tony James' loadout from his primary firearm was 15, reflecting one in the chamber and 14 additional rounds. While not necessarily a policy violation, the fact that James did not have a full magazine plus one in the chamber runs contrary to nearly all officer carrying practices. This particular shooting, in which none of the officers were carrying a full magazine plus one in the chamber, is a clear deviation from the policing norms at LMPD and other places.

Tony James departed a Critical Incident scene in which multiple officers discharged their firearms and there was a fatality. While Officer James may have been concerned for Officer Mattingly, he was not permitted to leave an active situation and ride to the hospital. He deliberately sidestepped the requirement to be assigned an escort officer and did not collaborate with Peer Support to remain separated from others and to turn in WVS equipment and footage.

Furthermore, phone records from Brett Hankison confirm that Tony James had several communications with him both before and after the shooting and killing of my daughter. Tony James was actively communicating with involved officers and none of the communications were made a part of the record. This undermines the integrity of the investigation and is in violation of the policy requiring that the officers be separated and not be communicating with each other. The communications, along with the failure of Officer James to produce these communications, was a deliberate effort to obstruct the investigation.

CONCLUSION

The actions and inactions of Tony James are unacceptable, intolerable and contributing factors to Breonna's death and the deficient investigation thereafter. LMPD should sustain these substantial violations of policy and impose severe consequences.

I acknowledge that whoever makes a false statement under oath, which he/she does not believe to be true, in regards to any material matter, shall be guilty of Perjury in the Second Degree.

I acknowledge that a law enforcement officer has the right to bring suit against any person, group of persons or organizations or corporations, for making a false statement under oath against such officer.

I swear that this affidavit is true and correct to the best of my knowledge, information and belief and therefore affix my signature on the space provided below.

Respectfully Submitted,

Tamika Palmer

Tamika Palmer

Date: March 8, 2021

Witness Signature: *Louise Baker*

Notary: *Nicole Medlin*



VIOLATIONS (NON-EXHAUSTIVE)

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.

Untruthfulness includes:

Intentionally making a **false**, misleading, or untrue oral or written statement, report, record, and/or communication (including electronic communication);

Intentionally **failing to accurately report all facts pertaining to an investigation;**

Intentionally misrepresenting any matter by:

Knowingly submitting any **false official statement(s)** or report(s).

Knowingly making any **false statement(s) before, to, or during:**

Any **official investigation of the department**, including an investigation initiated by a commanding officer.

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.
- 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.

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

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**.

CRIME SCENE PROCESSING

The Crime Scene Unit (CSU) will assist the lead investigator at a crime scene by photographing, preserving, **collecting, processing, packaging, and transporting evidence.**

FIREARMS

Only departmentally-approved firearms may be stored in a departmental vehicle. When storing a handgun in a vehicle, the handgun **must be stored in a locked compartment** (e.g. trunk, glove compartment, or console) and the vehicle must be locked.

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.

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.