

PSU COMPLAINT

Complainant: Tamika Palmer
Date of Birth: 9/11/76
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Louisville, KY 40256
Email: tpalm0911@yahoo.com
Location: Louisville
Date: January, February & March 2020
Involved: Michael Nobles
Description: See below

To the LMPD Professional Standard Unit,

I am initiating a complaint against officer Michael Nobles in relation to his conduct associated with the death of my daughter, Breonna Taylor, and the surrounding investigation. The basis for my Complaint, along with the standards which were violated, are described herein.

On March 16, 2020 Detective Mike Nobles, 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. Amongst other things, he stated the following:

He (Mattingly) went down and I can see **blood immediately just coming out his leg.**

I turned around, tried to take off **and there was a satellite**, I think there was a satellite, right there on the bottom underneath the steps.

And I was trying to get away because, I just...all I heard was gunfire. I had no idea if it was coming...I don't know who was shooting. I thought somebody was inside just letting it out through the door.

And I didn't want - I kind of didn't want to turn around and see everybody getting shot. Because they were just stuck in a corner. There was no exit for them. And, uh, when I turned, **I was on my knees. And I ran right into that damn satellite.**

And then there was a break. And when that break happened everybody just took off and we ran out into the parking lot.

So when I turned around, like, to get the hell out of there, I ran straight into the DirecTV thing.

These statements of Mike Nobles were knowingly false. They deliberately obstructed a homicide investigation. And they went without question or scrutiny. Mike Nobles had visible injuries in his pictures. His explanation is the existence of a satellite dish below the stairwell. There is no such thing there. There was a satellite dish 30 feet back, outside of the breezeway, around the corner and on the far side of the porch. There is no reasonable way to confuse these things, especially when Mike Nobles did not provide a statement in the hours following the shooting, had multiple days to get his story straight and was able to speak with a lawyer.

Detective Nobles also states that he saw John Mattingly get shot in the doorway with blood immediately coming out of his leg. There is no such blood reflected anywhere at the crime scene. Again, Detective Nobles is being untruthful.

Detective Nobles states that he rams the door, hears gunfire and turns the other way to get away so that he doesn't see his colleagues getting shot. Either this is untruthful, or Detective Nobles is stating that he attempted to abandon his own officers and run away from what he believed was a life-threatening situation to them. I would like to think that Detective Nobles isn't quite the coward that he claims to be. Rather, he is a liar. He did not run into a satellite dish in a stairwell when no such satellite dish exists in the stairwell.

Detective Nobles' statement also indicates that he could only see darkness when entering the apartment. This again is untrue. When Detective Nobles was departing the scene and was shouting to officers who were arriving, he stated that there was a black female shot in the hallway. This is indicated on the WVS footage of Officer Gida. His indication to investigators that he did not see Breonna in the hallway is knowingly false and obstructed an investigation.

Detective Nobles was also asked whether the seven identified officers were the only ones on scene. His voice gets low and he barely confirms this to be accurate. Again, it is knowingly false. The body camera footage of Officer Rucker clearly shows that, as Detective Nobles is getting ready to enter his truck to leave the scene after the shooting, a white car nearby is also leaving the scene, with occupants shouting back and forth to Brett Hankison. Detective Nobles' deliberately omitted the presence of these individuals within his statement.

Detective Nobles may not have been the officer who submitted the affidavit in support of the search warrant for Breonna's home, but he was certainly aware of its false information. As confirmed by Shively detectives, Detective Nobles specifically inquired as to the status of confirming whether Jamarcus Glover was receiving packages at Breonna's home. Nobles was specifically advised, as were Mattingly and Kelly Goodlett, that there were no confirmed packages. Despite this, Detective Nobles withheld this information during the briefing of the warrant for Breonna's home. He knew they were executing a bad warrant, yet he went along with it. Whether his motivation was overtime or otherwise, Detective Nobles' deliberate decision to proceed with raiding a home, under a search warrant with information he was personally told was false, was unacceptable and inexcusable policing. He violated policy and law in favor of his own monetary gain. As a result, an innocent and beautiful life was lost.

Detective Nobles also appears to have been untruthful regarding his work schedule and his claim for overtime. According to his timecard, he worked a regular shift of 10 am to 6 pm, followed by 7:30 pm to 10 pm and then 10 pm until 6 am. Detective Nobles also stated, however that he did not brief on the search warrants until 11 pm. Unless he is able to account for the time period between 7:30 pm until 11 pm, overtime was abused and is unacceptable, especially considering that LMPD had dozens of officers claiming overtime for an absurd early morning series of raids on March 12-13.

Detective Nobles admits that he failed to even turn on his radio during critical periods where the Verification Officer was conducting surveillance for the search warrant.

Q: And you said Campbell was the eyes. So how long was he there?

A: Uh, I really don't know. Hours.

Q: Okay. And did he ever relay any kind of information that he saw anything? Any kind of movement of anybody coming and going?

A: If he did, I don't know. I didn't get my radio. I didn't turn my radio on until we got into the truck and were en route.

This is a policy violation and is an unacceptable failure to acquire knowledge necessary to prepare for a forced entry raid into a home. Intelligence is being communicated via radio. But Detective Nobles elected to not listen to it or even turn on his radio until minutes before arrival. This is unacceptable and is a complete disregard for the safety requirements associated with policing.

Detective Nobles had a complete disregard for uniform requirements on March 12 and 13, 2020. He reported no spare magazine. He turned in his back-up firearm only, without explanation

as to why his primary firearm was not within his possession. Detective Nobles did not have a less-lethal option on him at all.

According to LMPD, Detective Nobles was the only officer of the identified seven at Breonna's home to not have been issued a body camera. Detective Nobles had secondary employment working security for a local bar. He was required to wear a body camera as part of this position and apparently made the deliberate decision to not do so. This is a violation of important policy designed to enhance public trust and assure that interactions with law enforcement are recorded, thereby allowing for an objective review of the situation.

Mike Nobles allowed for critical evidence to be removed and placed in his LMPD issued vehicle. John Mattingly's firearm was not provided to CSU or PIU at the hospital. Instead, it was placed in Nobles' unmarked LMPD vehicle, which was left unattended. Tony James' body camera unit was not provided to CSU or PIU at the hospital. Instead, it was placed in Nobles' unmarked LMPD vehicle and was left unattended. Officer Mattingly's wallet, which was examined by LMPD's forensic medical examiner and which contained ballistics evidence and blood, was then placed in Nobles' unmarked LMPD vehicle, without any labeling, bagging, tagging or other form of secure preservation.

Mike Nobles departed a Critical Incident scene in which multiple officers discharged their firearms and there was a fatality. He did not obtain an escort. He did not undergo gunshot residue testing. He did not undergo drug or alcohol testing. He did not separate himself from others, communicating with them by cell phone following the shooting and meeting up with his Major at the hospital. He did not turn in his primary firearm or even produce his primary firearm. He did not provide an honest or valid explanation for the scrapes and burns to his knees. He operated his department issued vehicle, rather than riding with an escort. He did not provide a statement that

day to investigators and did not ever identify how he was able to describe Breonna as being down and shot in the hallways well before any other officer had identified the same. All of this undermines the integrity of the investigation and is in violation of the policy requiring that the officers be separated, not be communicating with each other and comply with protocol for officer involved shootings. Furthermore, Detective Nobles, within his statement, actually indicates involvement in a prior shooting. He more than most should understand and appreciate the requirements. But instead, it appears he made a deliberate effort to obstruct the investigation. The delay in responding to the PIU office, the injuries to the knee and elbow, the departure from the scene, the lack of a primary firearm, the observation of Breonna and the refusal to provide a statement on March 13 all suggest that Detective Nobles has been well less than truthful regarding his involvement in the events of that morning.

CONCLUSION

The actions and inactions of Mike Nobles 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.

Respectfully Submitted,

Tamika Palmer

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Date: March 8, 2021

Witness Signature: *Louise 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;

8.1 SEARCH WARRANTS

An affidavit supporting the application for a search warrant is required. The accuracy of the affidavit is vital to the validity of the search warrant; therefore, officers should verify that the information is as complete, accurate, and specific as possible.

2.24.3 OVERTIME/COMPENSATORY TIME (KACP 10.1d-e)

3.8 COMMUNICATIONS EQUIPMENT USAGE (KACP 17.8);

3.8.2 RADIO PROCEDURES

3.9.1 COMMUNICATIONS POLICY

It is the policy of the Louisville Metro Police Department (LMPD) to support continuous communication, coordination, and cooperation between all levels of the department. This may be accomplished through either oral or written types of communication. Communication flows both upward, and downward, through the appropriate chain of command, and laterally between bureaus, divisions, sections, units, platoons, officers, and other personnel.

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)
- Appropriate badge and identification card

- Departmentally-approved handcuffs. Handcuffs will be either black in color or silver, chrome, or other natural colors of metal. Any other colors, excluding handcuffs that have been altered in color by the department, will not be used while on-duty or off-duty.

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).

Plainclothes officers are prohibited from carrying equipment that has not been authorized by competent authority.

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**.

8.36.8 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**.

4.16.7 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.

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.