

Major's Findings



**LOUISVILLE METRO POLICE DEPARTMENT
SPECIAL INVESTIGATIONS DIVISION
MEMORANDUM**

TO: CHIEF YVETTE GENTRY
CHIEF OF POLICE

FROM: MAJOR JAMEY SCHWAB *JMS*
SPECIAL INVESTIGATIONS COMMANDER

DATE: DECEMBER 23, 2020

RE: PRELIMINARY FINDINGS, BACKGROUND, CASE REVIEW
PSU CASE #: 20-026
ACCUSED: DETECTIVE JOSHUA JAYNES #7627
DETECTIVE WESLEY BARTON #7069
SERGEANT KYLE MEANY #7140
DETECTIVE MYLES COSGROVE #7519
SERGEANT JONATHAN MATTINGLY #2465
LIEUTENANT SHAWN HOOVER #6340
DETECTIVE MICHAEL CAMPBELL #2186
DETECTIVE ANTHONY JAMES #2522
COMPLAINANT: CHIEF INITIATED

All findings offered for PSU Case #20-026 should be considered preliminary in nature and are based on the work of the investigators. These findings are presented to summarize and clarify key elements of the case but should not be interpreted as representing the final disposition for disciplinary matters.

In reviewing the file, I found it to be complete and thorough. Additionally, I generally concur with the preliminary findings of the PSU Commander and lead investigator. PSU Case 20-026 contains four binders (20-026 numbered 1-4), a file titled *20-026 FBI Reports*, a WD Elements external hard drive containing the PSU and PIU case files, and the discovery materials from the Hankison criminal case. It should be noted that some of the documents that are stored on the hard drive are also duplicated as paper copies in the case file binders.

Preliminary Findings

Detective Joshua Jaynes

SOP 8.1.17	Preparation for Search Warrant	Sustained
SOP 5.1.5	Truthfulness/Untruthfulness	Sustained

Detective Wesley Barton

SOP 5.1.5	Truthfulness/Untruthfulness	Exonerated
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Sergeant Kyle Meany

SOP 8.1.13	Search Warrant Risk Assessment Matrix	Sustained
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Detective Myles Cosgrove

SOP 9.1.13	Use of Deadly Force	Sustained
SOP 9.1.3	De-escalation	Exonerated
SOP 4.31.5	WVS Procedures	Sustained

Sergeant Jonathan Mattingly

SOP 9.1.13	Use of Deadly Force	Not Sustained
SOP 9.1.3	De-escalation	Exonerated

Lieutenant Shawn Hoover

SOP 8.12.3	Critical Incidents/Response of CO	Exonerated
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Detective Michael Campbell

SOP 4.31.5	WVS/Procedures	Sustained
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Detective Anthony James

SOP 4.31.5	WVS/Procedures	Sustained
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Background

On March 13, 2020, a search warrant was served at 3003 Springfield Drive #4, Louisville, KY 40214 by members of the Louisville Metro Police Department's Criminal Interdiction Division. During execution of the warrant, Sergeant Jonathan Mattingly was shot and wounded by Mr. Kenneth Walker. Sergeant Mattingly, Detective Myles Cosgrove, and former Detective Brett Hankison returned fire striking the other occupant of the apartment, Ms. Breonna Taylor, who subsequently died from her injuries.

The LMPD Public Integrity Unit (PIU) investigated the case per the officer involved shooting (OIS) protocol in place at the time. The results of this investigation were then turned over to a special prosecutor with the Kentucky Office of the Attorney General (OAG), which had been requested by the Jefferson County Commonwealth Attorney's Office to conduct the criminal investigation and any subsequent prosecution for the case. As a result, Detective Brett Hankison was indicted for his actions, while the other officers involved were cleared of criminal wrongdoing in state court. Detective Hankison subsequently had his employment terminated by LMPD prior to the initiation of the LMPD Professional Standards Unit (PSU) investigation.

The PSU case was assigned to Sergeant Andrew Meyer after the initial investigator retired and prior to any substantial investigative activities taking place. Sergeant Meyer's investigation was focused on administrative violations only and began as soon as materials related to the criminal case were released to PSU. The case was also expanded to encompass additional actions of LMPD members prior to, during, and after the shooting. This included an examination into the search warrant and preparation, the use of worn video systems (WVS), and actions of the commanding officer at the scene following the shooting.

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It should also be noted that at the time of this writing, a federal investigation is ongoing by the Department of Justice (DOJ). Although some evidence attributed to federal authorities obtained through court discovery in the Hankison state criminal case is included, materials gathered during the DOJ investigation were not made available for this case. The final work product of PSU Case 20-026 is the result of weeks spent examining materials from medical examiners, Kentucky State Police laboratories, FBI laboratories, PIU interviews & evidence, Kentucky OAG interviews & evidence, and additional investigative interviews and analysis conducted by PSU.

Case Review

Search Warrant Preparation

Detective Joshua Jaynes

Preparation for Search Warrant Execution: The investigation shows that Detective Jaynes, as the lead officer on the case, was required by SOP to complete a Search Warrant Operations Plan Form (LMPD 05-0025). When asked about this form, Detective Jaynes stated that, *"The search warrant operations plan was created and it was done. However I did not, uh, transfer over to paper form"* [Jaynes PSU transcript lines 200-201]. Jaynes went on to say in his interview that, *"we had the plan....we all had moving parts and I just forgot to, uh, transfer to the form"* [Jaynes PSU transcript lines 209-210]. Based on this, it appears Detective Jaynes violated SOP 8.1.17. I recommend a preliminary finding of Sustained.

Truthfulness/Untruthfulness: The investigation shows that Detective Jaynes prepared an affidavit for a search warrant at 3003 Springfield Drive #4. On the page of the document titled, "Acting on the information received, Affiant conducted the following independent investigation:", #9, Jaynes wrote and attested to the following statement:

"Affiant verified through a US Postal Inspector that Jamarcus Glover has been receiving packages at 3003 Springfield Drive #4. Affiant knows through training and experience that it is not uncommon for drug traffickers to receive mail packages at different locations to avoid detection from law enforcement. Affiant believes through training and experience, that Mr. J. Glover may be keeping narcotics and/or proceeds from the sale of narcotics at 3003 Springfield Drive #4 for safe keeping".

In his statement to investigators, Detective Jaynes acknowledged that he did not directly verify the information through a US Postal Inspector. Instead, it appears he verified this information through Sergeant Mattingly who in turn contacted a Shively Police Department detective, a string of communication that cannot be independently corroborated. SOP prohibits intentional deception in a formal setting, such as testifying in court. Although Det. Jaynes testified that he believed Sgt. Mattingly was a direct link to the US Postal Inspector, the inaccuracies of this statement in an official document are highly problematic. I recommend a preliminary finding of Sustained.

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Detective Wesley Barton

Truthfulness/Untruthfulness: The investigation focused on examining if Detective Barton created a deceptive document and properly considered all the entries on the Risk Assessment Matrix (LMPD #05-016) that he completed prior to the warrant service on Springfield Drive. The total points on the matrix equaled 15, which is below both the 17-point threshold that requires a consultation with SWAT and the 28-point threshold that requires a SWAT team service. At issue on the matrix are key points that would have potentially added enough points to meet one, if not both thresholds. Barton was questioned specifically about several areas of the warrant that would have potentially heightened the "Operational Risk Level" had they been included. These areas included identification of "Multiple Suspects", "No-Knock Warrant", and "Class 1 Drug Violator". In his statement to investigators, Detective Barton described why each one was not counted. For the subject of the matrix, he solely used Jamarus Glover and did not consider Ms. Taylor, thus negating points for "Multiple Suspects". For the "No-Knock Warrant" section he did not add points because he knew the plan was to knock and announce. Finally, neither Jamarus Glover (as the subject of the matrix) nor Ms. Taylor (although listed on the search warrant) were considered a "Class 1 Drug Violator", so no points were added.

It has been noted by others as part of the investigation that many aspects of the Risk Assessment Matrix template are inherently problematic and may be left open to interpretation. I recommend a preliminary finding of Exonerated.

Sergeant Kyle Meany

Search Warrants/Risk Assessment Matrix: The investigation shows that Sergeant Meany did not forward the Risk Assessment Matrix through his chain of command as required by SOP. I recommend a preliminary finding of Sustained.

Sergeant Meany was also evaluated regarding *Truthfulness/Untruthfulness* in relation to the preparation and forwarding of the Risk Assessment Matrix. It was determined through the course of the investigation that Sergeant Meany did not create nor forward the document and therefore should not be considered for violation of this policy.

Officers Discharging Weapons

Detective Brett Hankison

Although initially named in this investigation, policy violations were not considered due to his termination on June 19, 2020. Per SOP 1.9.3, "The PSU is responsible for conducting internal, administrative investigations of departmental members".

Detective Myles Cosgrove

Use of Deadly Force: As part of the investigation, Detective Cosgrove gave three interviews; one to PIU, one to the OAG, and one to PSU. Based on these interviews, the investigative reports, and the forensic evidence, it appears Detective Cosgrove fired 16 rounds after Mr. Walker fired one

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round. Two rounds were found in Ms. Taylor's body and were identified as fired from Detective Cosgrove's firearm. Additionally, two rounds were found in the wall at the end of the hallway of the apartment. These additional two rounds were reported by the FBI Laboratory Serological and Nuclear DNA Examinations report to have been "consistent with originating from a single female individual" (FBI Laboratory Report 7/9/2020-Lab No:2020-01242-4).

In his statement, Detective Cosgrove did not describe target isolation and instead described flashes that he did not properly evaluate as a threat. Had Detective Cosgrove evaluated the threat accurately, he would have likely concluded firing once the opposing fire had stopped. In Detective Cosgrove's statement to PIU he stated, *"I see this distorted shadowy mask, this figurine, this figure in front of me that is - it's just, you know, it's coming and going due to the flashing light"* [Cosgrove PIU transcript lines 240-243]. In a follow-up interview with PSU, Cosgrove stated *"the target I'm firing at is this - is the muzzle flash followed by human, I think I said like abnormal or distorted human form at the end of the hallway"* [Cosgrove PSU transcript lines 602-604].

SOP 9.1.12 states that the "person against whom the force is used" must pose "an immediate threat of death or serious injury". It appears Detective Cosgrove fired without properly identifying a target and not continuing to assess if the target posed an immediate threat of death or serious physical injury to the officer or another person. As Lt. Lacefield from the LMPD Firearms Training Center stated in his OAG interview, *"our officers are not trained to shoot, suppressively, uh, you want them to not necessarily shooting and assessing but assessing as they're shooting. We're trained - our training is shoot until there is no longer a threat"* [Lacefield OAG transcript lines 298-300]. The failure to properly identify a target and not assess the threat are in direct violation of SOP as well as LMPD firearms training. I recommend a preliminary finding of Sustained.

De-escalation: The investigation shows that officers were met with an immediate threat making attempts at de-escalation impossible. I recommend a preliminary finding of Exonerated.

WVS Operations: The investigation shows that Detective Cosgrove did not activate his assigned WVS as required by SOP to record police activities. Additionally, no one interviewed could provide department or CID policy which relieved Detective Cosgrove from this policy related to the service of this search warrant. I recommend a preliminary finding of Sustained.

Sergeant Jonathan Mattingly

Use of Deadly Force: The investigation shows that Sergeant Mattingly identified a male and female at the end of the hall, with the male having his hands outstretched holding a gun. In his PIU statement he said, *"The male's closest to the door so he's to my right. And as I turned the - the doorway he's in a stretched out position with his hands with a gun"* [Mattingly PIU transcript lines 239-241]. Sergeant Mattingly further stated to PSU that, *"my eyes went right to the - the barrel of that gun"* [Mattingly PSU transcript lines 731-732]. Sergeant Mattingly fired four times at the aggressor he identified with the gun and two more additional times once he was down.

SOP states that deadly force is authorized based on what the officer "reasonably believes, based on the facts and circumstances" by the officer at a specific moment in time. Sergeant Mattingly's

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actions therefore need to be examined through the lens of what he reasonably believed at the time he discharged his weapon at an identified threat, at the end of a dark hallway, after being shot himself.

Sergeant Mattingly's actions consisted of his identification of the threat and use of force against a target he identified as posing "an immediate threat of death or serious injury to the officer" [SOP 9.1.12]. Although Mr. Walker was not struck and Ms. Taylor was mortally wounded, it can be reasoned that micro-seconds can significantly change outcomes between when a trigger is squeezed at a target and the bullet reaches its' final position. SOP is precarious in that intentionality of police use of force is neither included nor discounted in the policy. If the target of Sergeant Mattingly's force, as he stated, was the male with the gun (Kenneth Walker), then the *Use of Deadly Force* SOP must be applied under those circumstances. Therefore, the conscious effort to use force against Walker (who was the intended target) makes him the person "against whom the force is used" for purposes of the SOP. Based on these variables, I do not find enough evidence to sustain and recommend a preliminary finding of Not Sustained.

De-escalation: The investigation shows that officers were met with an immediate threat making attempts at de-escalation impossible. I recommend a preliminary finding of Exonerated.

Additional Actions

Lieutenant Shawn Hoover

Responsibilities of Commanding Officers: The investigation shows that Lieutenant Hoover was the highest-ranking commanding officer at the scene at the time of the shooting. Lieutenant Hoover's actions were examined to see if he complied with SOP in the moments following the shooting.

When Sergeant Mattingly was wounded, Lieutenant Hoover carried him out of the line of fire, assessed his injury, and placed a tourniquet on Mattingly's leg. It appears that due to his focus on providing care for Sergeant Mattingly, Lieutenant Hoover was unaware anyone else other than Mattingly had discharged their weapon. As reasoned by the investigators, Lieutenant Hoover was so integrally involved in the incident, it was likely not practical for him to switch from life-saving measures to immediately taking charge of the scene. In reviewing the SOP, it appears to have been constructed to guide actions of responding CO's and not those personally involved in the incident. I recommend a preliminary finding of Exonerated.

Detective Michael Campbell

WVS Operations: The investigation shows that Detective Campbell did not activate his assigned WVS as required by SOP to record police activities. Additionally, no one interviewed could provide department or CID policy which relieved Detective Campbell from this policy related to the service of this search warrant. I recommend a preliminary finding of Sustained.

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Detective Anthony James

WVS Operations: The investigation shows that Detective James did not activate his assigned WVS as required by SOP to record police activities. Additionally, no one interviewed could provide department or CID policy which relieved Detective James from this policy related to the service of this search warrant. I recommend a preliminary finding of Sustained.

Lieutenant's Findings



LOUISVILLE METRO POLICE DEPARTMENT PROFESSIONAL STANDARDS UNIT LIEUTENANT FINDINGS

TO: MAJOR JAMEY SCHWAB
SPECIAL INVESTIGATIONS DIVISION COMMANDER

FROM: LIEUTENANT JEFF ARTMAN 
PROFESSIONAL STANDARDS UNIT

DATE: DECEMBER 21, 2020

RE: PRELIMINARY FINDINGS AND CONCLUSIONS
CASE NUMBER: 20-026
ACCUSED: DETECTIVE JOSHUA JAYNES #7627
DETECTIVE WESLEY BARTON 7069
SERGEANT KYLE MEANY #7140
DETECTIVE MYLES COSGROVE #7519
SERGEANT JONATHAN MATTINGLY #2465
LIEUTENANT SHAWN HOOVER #6340
DETECTIVE MICHAEL CAMPBELL #2186
DETECTIVE ANTHONY JAMES #2522
COMPLAINANT: CHIEF CONRAD, CHIEF SCHROEDER & CHIEF GENTRY

I have reviewed PSU case #20-026 investigated by Sergeant Andrew Meyer. I agree with some of Sergeant Meyer's preliminary findings and disagree with other findings. The following report is based on Sergeant Meyer's investigation which included substantial evidence acquired by other units and agencies.

Preliminary Findings

Detective Joshua Jaynes

SOP 5.1.5	Truthfulness/untruthfulness	Sustained
SOP 8.1.17	Preparation for SW	Sustained

Detective Wesley Barton

SOP 5.1.5	Truthfulness/untruthfulness	Exonerated
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Sergeant Kyle Meany

SOP 8.1.13	SW/Risk Assessment Matrix	Sustained
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Sergeant Jonathan Mattingly

SOP 9.1.13	Use of Deadly Force	Sustained
SOP 9.1.3	De-escalation	Exonerated

Detective Myles Cosgrove

SOP 9.1.13	Use of Deadly Force	Sustained
SOP 9.1.3	De-escalation	Exonerated



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SOP 4.31.5	WVS/Procedures	Sustained
Detective Michael Campbell SOP 4.31.5	WVS/Procedures	Sustained
Detective Anthony James SOP 4.31.5	WVS/Procedures	Sustained
Lieutenant Shawn Hoover SOP 8.12.3	Critical Incidents/Resp of CO	Exonerated

Synopsis

Detective Joshua Jaynes, a member of the Placed Based Investigations squad of the Criminal Interdiction Division drafted several Search Warrants to be served on March 13, 2020. One of the warrants and its service is the subject of this PSU investigation. While serving the Search Warrant attributed to 3003 Springfield Drive #4, Sergeant Mattingly was shot when one of the occupants of the apartment, Mr. Kenneth Walker, fired one shot striking Sergeant Mattingly and Mattingly returned fire. Detective Myles Cosgrove and Brett Hankison also fired shots. The other occupant of the apartment, Ms. Breonna Taylor was struck by gunfire and died.

LMPD PIU initially investigated the Officer Involved Shooting (OIS), later the Office of the Attorney General investigated as a Special Prosecutor in which only Detective Brett Hankison was indicted for actions taken. Detective Hankison was fired prior to the Professional Standards Unit (PSU) actively investigating. In March of 2020 this PSU case was assigned to Sergeant Andy Abbott. Sergeant Abbott retired and the case was reassigned to Sergeant Andrew Meyer. Sergeant Meyer began actively investigating the case when materials related to the criminal case were released to PSU on or about September 23, 2020. The initial case was expanded to include other officers in the preparation of the search warrant, WVS, and actions post service. Federal authorities through the Department of Justice (DOJ) may also be investigating matters associated with this OIS, although evidence gathered by DOJ agencies was not made part of this investigation other than materials gathered through discovery in the Hankison state criminal case.

This PSU case contains four binders (20-026 #s 1-4) plus "20-026 FBI Reports". Attached is a "WD Elements" disk which contains the PSU case, PIU Case 20-019 and Discovery from the Hankison criminal case. Some of the documents stored on the disk are duplicated as paper copies in the case file binders.

Many of the conclusions reached in this PSU investigation are based on findings by medical examiners, Kentucky State Laboratories, FBI Laboratories, PIU interviews and evidence, Kentucky OAG evidence and interviews as well as Sergeant Meyer's investigations and analysis.



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This memorandum will be separated into three sections: Section I will focus on the Search Warrant and the preparation thereof. Section II will concentrate on the Officer Involved Shooting, namely Detective Cosgrove's and Sergeant Mattingly's roles in the OIS. Section III will concentrate on the actions of officers at the Springfield scene who did not fire their weapons.

Section I

Re: Springfield Search Warrant and Preparation

Detective Joshua Jaynes

Preparation for Search Warrant Execution-Detective Jaynes, as the lead officer on the case was required to complete a Search Warrant Operations Plan Form LMPD 05-0025 according to SOP 8.1.17. Detective Jaynes did not complete the form.

The following is an excerpt from Detective Jaynes' PSU interview:

195 Jaynes "I was the lead officer, yes."

197 Meyer "Okay. All right. Did you complete a search warrant operations plan form? It's LMPD 05-0025."

200 Jaynes "The search warrant operations plan was created and it was done. However I did not, uh, transfer over to paper form".

203 Meyer "Okay. Are you talkin' about the one that was on the- the whiteboard at the..."

205 Jaynes "Correct. Yes."

207 Meyer "Okay. All right. So there was an operations plan that you all de-developed."

209 Jaynes "Correct. We had the plan. We-I-I just -all-we all had moving parts and I just forgot to, uh, transfer to the form".

It appears Detective Jaynes violated the Preparation for Search Warrant Execution policy when he did not complete LMPD Form 05-0025. I recommend a preliminary finding of **sustained**.

Truthfulness/untruthfulness-Detective Jaynes prepared an Affidavit for Search Warrant for the Springfield Drive location. As part of the submitted document, on the page titled "Acting on the information received, Affiant conducted the following independent investigation:", #9, Jaynes wrote and attested to the following statement:

"Affiant verified through a US Postal Inspector that Jamarcus Glover has been receiving packages at 3003 Springfield Drive #4. Affiant knows through training and experience that it is not uncommon for drug traffickers to receive mail packages at different locations to avoid detection from law enforcement. Affiant believes through training and experience, that Mr. J. Glover may be keeping narcotics and/or proceeds from the sale of narcotics at 3003 Springfield Drive #4 for safe keeping".

Detective Jaynes testified this verification was done through Sergeant Mattingly who contacted a Shively Police detective. Detective Jaynes acknowledged he did not directly verify the information through a US Postal Inspector. The exchanges and the information communicated between Jaynes, Mattingly and the Shively detective cannot be independently corroborated, but



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the question of direct verification is clear. Jaynes appears to have written a deceptive statement. I recommend a preliminary finding of **sustained**.

This statement does not appear to have been integral to the probable cause and the warrant would have likely been signed without this statement. This statement could have been worded in a way which would have been accurate while conveying its relevance.

Sergeant Meyer attributed a policy violation of Truthfulness/untruthfulness to this statement. SOP 8.1.2 Affidavit Preparation was also considered regarding this statement. Affidavit Preparation states, in part, *"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"*.

Detective Wesley Barton

Detective Barton's role was evaluated for his drafting of the Risk Assessment Matrix. Detective Barton completed the Matrix on the night before or the shift before execution of the warrant. Barton did not use Courtnet or a criminal history, he only used his memory to complete the matrix. PSU Sergeant Meyer's investigation centered on if Barton created a deceptive document and if he properly considered some of the entries on the Matrix, namely, Multiple Suspects, No Knock Warrant and Class 1 Drug Violator. Concerning the Multiple Suspects entry, Barton testified as did others involved that Ms. Taylor was not considered a suspect. Concerning the NO Knock Warrant, Barton testified he did not count the points associated because he knew they were planning to knock and announce. Detective Barton used Jamarcus Glover as the subject of the matrix. Ms. Taylor, although listed on the Search Warrant was not considered a suspect and Glover was not considered a Class 1 Drug Violator.

Truthfulness/untruthfulness-Given the fact the entries required on the Risk Assessment Matrix appeared to be up to interpretation, I recommend a preliminary finding of **exonerated**.

*****The Risk Assessment Matrix template, as written appears problematic in the following areas:**

- *The entries to be evaluated appear to be up to interpretation.*
- *There appears to be no signature of the writer or the supervisor required.*
- *There is no mandated responsibility of who is required to complete the document.*
- *There needs to be documentation to show proof or justification of each entry required on the form.*
- *The Search Warrant affidavit needs to be attached to the matrix.*
- *The matrix should list all persons believed to be at the location to be searched and a 'risk' should be attributed to each person.*
- *There also needs to be a Courtnet entry for each person listed to be searched or believed to be at the location.*
- *I also believe the writer of the warrant needs to be the one who completes the matrix.*
- *The matrix should be reviewed by the CO executing the service.*



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Sergeant Kyle Meany

Search Warrants/Risk Assessment Matrix-Sergeant Meany did not forward the Risk Assessment Matrix through his chain of command. I recommend a preliminary finding of *sustained*.

Sergeant Meany was evaluated regarding *Truthfulness/untruthfulness* in relation to the preparation and forwarding of the Risk Assessment Matrix. It was determined during the investigation Meany did not create or forward the document. This charge will not be listed on this memorandum.

Section II

Re: Springfield OIS/Officers who fired weapons.

These conclusions are based on the evidence produced and through the many interviews conducted. Evidence was also gained from an FBI ballistics report which was obtained from court discovery in the Attorney General's criminal case against Brett Hankison. It should be noted Detective Brett Hankison was named in this investigation; however, he was fired by Chief Robert Schroeder prior to the PSU investigation conclusion.

Two rounds found in Ms. Taylor's body were identified as fired from Detective Cosgrove's firearm. Additionally, two rounds found in the wall at the end of the hall where Ms. Taylor and Mr. Walker stood were reported by the FBI Laboratory Serological and Nuclear DNA Examinations report to have been swabbed and the "swabbings" of bullet surfaces "are consistent with originating from a single female individual" (FBI Laboratory Report 7/9/2020-Lab No:2020-01242-4).

The Use of Deadly Force policy is results centered and concentrates on against whom the force was used. It does not appear to give consideration to the intent of the shooter or movement of the subjects, when recent science tells us conditions can change even after a shooter makes the conscious decision to pull the trigger. The fact of the matter is the wrong person was shot and the Use of Deadly Force policy is in place to prevent that from happening. The policy is stringent and stricter than law. An officer's training is designed to prevent the wrong person from being shot. There are mitigating factors such as the reaction of a man who was reacting after being shot, men trying to protect themselves and their partners from being shot, lighting, individuals perhaps overlapping one another and the surprise of the violence when it was not expected.

Based on the conclusion Kenneth Walker initiated the shooting, and shot one time:

Detective Myles Cosgrove

Detective Cosgrove, according to investigative reports, fired 16 rounds after Walker fired one shot. After Walker fired, it appears Walker went to his left toward a bedroom. Cosgrove did not describe Target Isolation. Cosgrove described flashes and did not appear to evaluate the threat. If Cosgrove would have evaluated the threat, he would have concluded the opposing fire had stopped (it had in reality stopped before Cosgrove commenced firing). Cosgrove didn't acknowledge firing during his interview with the Office of the Attorney General, 'if you told me



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I shot I would believe you, if you told me I didn't shoot I would believe you'. The force used by Cosgrove was not used on the threat which was Kenneth Walker. In his PSU interview Cosgrove stated *"Well the-the target I'm firing at is this-is the muzzle flash followed by human, I think I said like abnormal or distorted human form at the end of the hallway. So my first clue is gun fire, second clue is just human form and John being shot or killed, and then John shooting and-and me shooting"* (Cosgrove PSU Interview Transcription 602-605). Detective Cosgrove gave three interviews: PIU, Office of the Attorney General and PSU.

Use of Deadly Force-it appears Detective Cosgrove violated this policy when he used force on Ms. Taylor who did not pose an immediate threat of death or serious physical injury to the officer or another person. Detective Cosgrove provided no testimony he reasonably believed Ms. Taylor posed a threat. Detective Cosgrove reportedly fired 16 rounds after Walker had fired one round and there is no evidence presented Cosgrove reassessed the shooter to observe firing had ceased. Although it was not directly addressed, Cosgrove's fire appears to have been suppressive fire which is forbidden by the training officers receive. I recommend a preliminary finding of **sustained**.

De-escalation-Officers were met with an immediate threat making attempts at de-escalation impractical. I recommend a preliminary finding of **exonerated**.

WVS Operations-Detective Cosgrove did not activate his WVS to record this operation. Officers assigned WVS are required to record police activities on WVS. No one interviewed could provide department or CID policy which relieved Detective Cosgrove from this policy related to the Springfield Search Warrant. I recommend a preliminary finding of **sustained**.

Sergeant Jonathan Mattingly

Sergeant Mattingly testified he identified a male and a female at the end of the hall, the male was on the right and the female was on the left. He recognized the male and had his hands stretched out holding a gun. *"My eyes went right to the barrel of that gun"* (Sergeant Mattingly/Mattingly PSU Statement audio @ 20:22). *"There were two people almost overlapping"* (Sergeant Mattingly/Mattingly PSU Statement audio @ 21:17). Sergeant Mattingly shot four times then two times once he was down. Mattingly tried to shoot towards the male who went into the room to Mattingly's right, Mattingly believed his shot went into the doorframe, as Mattingly's focus was on the male. Sergeant Mattingly's attempt was to use force on Mr. Walker and testified he attempted to shoot toward Walker as he was moving to the room toward Mattingly's right. The proximity of Mr. Walker and Ms. Taylor was likely close due to the width of the hallway at the end and both were wearing dark clothing in low light conditions. The movements of Ms. Taylor and Mr. Walker are not specifically known, also not known is the pair's positioning such as Ms. Taylor possibly holding Walker or Walker pulling Taylor to join him in moving from the hallway to the bedroom.

Sergeant Mattingly had first light, meaning he was the first to see inside the apartment which requires a responsibility to those behind him to recognize threats. Mattingly recognized Kenneth



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Walker as a threat and Mattingly had a responsibility to address that threat to protect his team and himself. Retreating behind the cover of drywall and siding was not feasible.

Use of Deadly Force-Sergeant Mattingly identified the threat as who we now know as Kenneth Walker who admittedly fired one round which struck Mattingly. Sergeant Mattingly returned fire intending to strike Mr. Walker. Through the investigations, it appears Mattingly fired six times, two of which it is believed struck the ceiling. Sergeant Mattingly articulated a clear target in Mr. Walker and fired at that target, intending to use force on Walker. Based on the possibilities of movement of Taylor and Walker, perhaps even movement after Sergeant Mattingly made the decisions to pull the trigger, mitigating factor do exist. However, based on the FBI report stating a round from Mattingly's firearm found in the wall behind Taylor containing female DNA, it appears Mattingly shot Ms. Taylor. Based on the investigation, it appears Sergeant Mattingly violated the use of deadly force policy when he shot Ms. Taylor whom he had no reasonable belief posed an immediate threat of death or serious physical injury to officers. I recommend a preliminary finding of *sustained*.

De-escalation-Officers were met with an immediate threat making attempts at de-escalation impractical. I recommend a preliminary finding of *exonerated*.

9.1.12 USE OF DEADLY FORCE (2/10/2020)

Justification for the use of deadly force must be limited to what reasonably appears to be the facts known, or perceived, by an officer under the circumstances. Facts not known to an officer, no matter how compelling, cannot be considered in later determining whether the use of deadly force was justified. Deadly force, as with all uses of force, may not be resorted to unless other reasonable alternatives have been exhausted, would clearly be ineffective, or exigent circumstances exist. **Deadly force is authorized in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury to the officer or to another person (KACP 1.3b).**

Deadly force is authorized to apprehend a felony suspect (KACP 1.3b), when under the facts and circumstances known to the officer, it is reasonable to believe that:

- The arrest is for a felony involving the use of, or threatened use of, physical force likely to cause death or serious physical injury, and
- It is likely that the person to be arrested will clearly endanger human life unless he/she is apprehended without delay. The officer must be able to justifiably articulate his/her actions.

If feasible, verbal warnings should be given before the use of deadly force. Warning shots are not permitted (KACP 1.3d). Deadly force is never authorized to apprehend a fleeing misdemeanor or non-violent felony suspect (NOBLE).

Deadly force may be used to prevent the escape of a fleeing subject if there is probable cause to believe:

- The subject has committed a felony involving the infliction, or threatened infliction, of serious physical injury or death; and
- The escape of the subject would pose an imminent danger of death or serious physical injury to the officer or to another person.

Deadly force is also authorized to prevent the escape of an arrested person, when deadly force could justifiably have been used to make the arrest, under which the person is in custody (e.g. a serious, violent felony), and the officer believes that the person is likely to endanger human life, unless apprehended without delay (KACP 1.3c). Officers are authorized to discharge a firearm for the following purposes:

- In defense of human life, including the officer's life, or in defense of any person in immediate danger of serious physical injury or as described in this section.
- Against any animal that is gravely injured or poses an immediate danger to persons, as necessary,



LOUISVILLE METRO POLICE DEPARTMENT PROFESSIONAL STANDARDS UNIT LIEUTENANT FINDINGS

when no other disposition is practical and the safety of persons has been given prime consideration.

- Training and qualifications.

Officers discharging a firearm should remain cognizant of the following:

- The direction in which the firearm is to be discharged.
- The danger of discharging a firearm while running or moving.

Officers will not discharge their firearms either at, or from, a moving vehicle unless deadly force is being used against the officer or another person. For the purposes of this policy, a moving vehicle is not considered deadly force except when it is reasonable to believe that the moving vehicle is being used to conduct a vehicle ramming attack.

Officers should, as a rule, avoid tactics that could place them in a position where a vehicle could be used as a weapon against them.

Section III

Re: The activities of remaining on-scene officers.

Lieutenant Shawn Hoover

Responsibilities of Commanding Officers-Lieutenant Hoover was the highest-ranking commanding officer at the scene of the Search Warrant, initiation of gunfire and all moments up to Major Scheu's arrival. Lieutenant Hoover was integral in saving Sergeant Mattingly's life after the shooting. Hoover actually carried Mattingly, not to mention pulling him from the line of fire, assessing his injury and placing a tourniquet. It appeared Hoover was unaware anyone else other than Mattingly had shot due to being focused on the matter at hand of evacuating and tending to Sergeant Mattingly. Based on these circumstances, Hoover believed he had satisfied the duties he needed to complete at the time. Due to the fact Lieutenant Hoover was so integrally involved in the incident, it is impractical to expect Hoover to switch from extreme life saving of Mattingly, attending to an armed suspect, then within minutes initiate a preliminary investigation into the incident. I do not believe this policy was written with the idea a commanding officer would be involved in the incident. Many of these duties were completed by other members and the policy does not dictate only one commanding officer should complete the tasks. Others were quickly responding to the scene, and it was perhaps not expectant Detective Hankison would leave the scene knowing he had fired. I recommend a preliminary finding of *exonerated*.

8.12.3 RESPONSIBILITIES OF COMMANDING OFFICERS 2-24-2020

Responsibilities of commanding officers include:

- Verifying proper crime scene maintenance
- Notifying MetroSafe and appropriate support personnel (e.g. Louisville Metro Emergency Medical Services (LMEMS), Homicide, Traffic)
- Gathering basic information from the officers involved and starting a preliminary investigation
- Assigning escort officers
- Verifying that the required forms are completed (Administrative Incident Report (AIR) (refer to SOP 3.1), Workers' Compensation – First Report of Injury or Illness form (IA-1 form), Exposure Report forms (LMPD #04-08-0303), etc.)

Commanding officers will not secure an officer's weapon, unless exigent circumstances are present (e.g. officer is being transported to the hospital by LMEMS, officer used the weapon against a family member, officer is distraught, etc.).

Detective Michael Campbell



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WVS Operations-Detective Campbell did not activate his WVS to record this operation. Officers assigned WVS are required to record police activities on WVS. No one interviewed could provide department or CID policy which relieved Detective Campbell from this policy related to the Springfield Search Warrant. I recommend a preliminary finding of *sustained*.

Detective Anthony James

WVS Operations-Detective James did not activate his WVS to record this operation. Officers assigned WVS are required to record police activities on WVS. No one interviewed could provide department or CID policy which relieved Detective James from this policy related to the Springfield Search Warrant. I recommend a preliminary finding of *sustained*.



**LOUISVILLE METRO POLICE DEPARTMENT
PROFESSIONAL STANDARDS UNIT
INVESTIGATOR FINDINGS**

PSU-017
Revised 10/17

**TO: LIEUTENANT JEFFREY ARTMAN
 COMMANDER, PROFESSIONAL STANDARDS UNIT**

**FROM: SERGEANT ANDREW MEYER *AM*
 INVESTIGATOR, PROFESSIONAL STANDARDS UNIT**

DATE: DECEMBER 4, 2020

**RE: PRELIMINARY FINDINGS AND CONCLUSIONS
 CASE NUMBER 20-026**

**ACCUSED: LIEUTENANT SHAWN HOOVER, CODE #6340,
 SERGEANT JONATHAN MATTINGLY, CODE #2465,
 SERGEANT KYLE MEANY, CODE #7140, DETECTIVE
 WESLEY BARTON, CODE #7069, DETECTIVE MICHAEL
 CAMPBELL, CODE #2186, DETECTIVE MYLES
 COSGROVE, CODE #7519, DETECTIVE ANTHONY
 JAMES, CODE #2522, and DETECTIVE JOSHUA JAYNES,
 CODE #7627**

**COMPLAINANT: CHIEF YVETTE GENTRY, FORMER CHIEF STEVE
 CONRAD, and FORMER CHIEF ROBERT SCHROEDER**

PRELIMINARY FINDINGS

Warrant and Preparation:

Sergeant Kyle Meany

- LMPD SOP 5.1.5 Truthfulness/Untruthfulness-----EXONERATED
- LMPD SOP 8.1.13 Search Warrants/Risk Assessment Matrix-----SUSTAINED

Detective Wesley Barton

- LMPD SOP 5.1.5 Truthfulness/Untruthfulness-----EXONERATED

Detective Josh Jaynes

- LMPD SOP 5.1.5 Truthfulness/Untruthfulness-----SUSTAINED

- LMPD SOP 8.1.17 Preparation for Search Warrant Execution-----SUSTAINED

Shooters:

Sergeant Jonathan Mattingly

- LMPD SOP 9.1.3 De-Escalation-----EXONERATED
- LMPD SOP 9.1.13 Use of Deadly Force-----SUSTAINED

Detective Myles Cosgrove

- LMPD SOP 4.31.5 Wearable Video System/Procedures----- SUSTAINED
- LMPD SOP 9.1.3 De-Escalation-----EXONERATED
- LMPD SOP 9.1.13 Use of Deadly Force-----SUSTAINED

Involved Non-Shooters:

Lieutenant Shawn Hoover

- LMPD SOP 8.12.3 Critical Incidents/Responsibilities of C.O.-----SUSTAINED

Detective Michael Campbell

- LMPD SOP 4.31.5 Wearable Video System/Procedures----- SUSTAINED

Detective Anthony James

- LMPD SOP 4.31.5 Wearable Video System/Procedures----- SUSTAINED

CASE SUMMARY

On March 13, 2020, the Criminal Interdiction Division (CID) served multiple simultaneous search warrants. These search warrants were the result of an investigation being lead by Detective Joshua Jaynes of the CID's Place Based Investigations (PBI) Squad. Of the multiple locations related to this investigation, Lieutenant Shawn Hoover, Sergeant Jonathan Mattingly, and Detectives Myles Cosgrove, Brett Hankison (Brett Hankison has since been terminated. However, for the purpose of this letter, I will refer to him by his title at the time of the incident), Michael Nobles, Tony James, and Michael Campbell were assigned to serve a search warrant at 3003 Springfield Drive #4.

During the service of this search warrant, a ram was used to breach the front entrance. Upon entering, Sergeant Mattingly observed two individuals, a male and a female, standing at the end of a hallway by a bedroom (Mr. Kenneth Walker and Ms. Breonna Taylor). Mr. Walker was armed with a handgun. Mr. Walker fired a shot, striking Sergeant Mattingly in his upper left

thigh. Sergeant Mattingly, Detective Cosgrove, and Detective Hankison returned fire. Ms. Breonna Taylor was struck by six rounds and died from her injuries on scene.

This investigation was initially assigned to an investigator who retired prior to the case being open for active investigation. It was assigned to me for investigation on August 19, 2020.

FACTS OF THE CASE:

Due to there being no Wearable Video System (WVS) video of the entry and use of deadly force on Springfield Drive #4, many of the facts being considered in the examination of the evidence in this case are testimonial. Of the relevant testimonial evidence, much of what is being examined is consistent and undisputed by each party interviewed. When there is a discrepancy in evidence, I will discuss the discrepancy and its relevance to the facts to be considered.

As a note: Sergeant Mattingly's interview with PIU investigators, Sergeant Jason Vance and Sergeant Amanda Seelye, received media scrutiny following the release of specific sections. On July 9, 2020, Wave 3 released a story, in this story, they referenced audio which was obtained by NBC News. <https://www.wave3.com/2020/07/09/audio-lmpd-sgt-jon-mattingly-interview-sheds-new-light-taylor-shooting/> The article scrutinized Sergeant Vance's questioning, stating he "seemed to be answering several of the questions he asked Mattingly" and was "leading" the interview. At the beginning of the interview, Sergeant Mattingly was given an uninterrupted opportunity to describe the events openly from start to finish with little input or interruption from either investigator. This is the section most of my testimonial evidence will be taken from. Sergeant Mattingly's explanation started at line 180 of his transcribed interview with PIU and ended at line 341 with only one interruption from Sergeant Vance telling Sergeant Mattingly to continue telling the story until the end. Following Sergeant Mattingly's open explanation, Sergeant Vance followed up with questions to expand upon details Sergeant Mattingly had previously explained, gathering more specific information. During this line of questioning, Sergeant Vance employed methods of using his own words to explain back/or paraphrase the circumstance and confirm his understanding with Sergeant Mattingly. I do not find the information given during this interview to have been influenced nor do I find the integrity of the interview to have been compromised.

Preliminary action:

The Place Based Investigations (PBI) Squad of the Criminal Interdiction Division (CID), led by Sergeant Kyle Meany and comprised of Detective Wesley Barton, Michael Campbell, Kelly Goodlett, and Joshua Jaynes, was conducting a narcotics investigation into Mr. Jamarus Glover and Mr. Adrian Walker. This investigation initially began when 1st Division officers served search warrants at 2424 Elliott Avenue, 2426 Elliott Avenue, and 2605 West Muhammad Ali Boulevard on December 30, 2019. Narcotics and weapons were recovered pursuant to the

execution of those warrants. According to Detective Jaynes, this block of Elliott Avenue was a well-known “hotspot” or “micro-cell” for violence and drug trafficking in Louisville (lines 165-171 of Detective Jaynes’s transcribed interview with PIU). During his investigation, Detective Jaynes had a pole camera installed to survey the 2400 block of Elliott and a GPS tracker was installed on Mr. Glover’s Dodge Charger pursuant to a search warrant. The GPS resulted in the identification of other target locations, including 3414 Cathe Dykstra Way and 3003 Springfield Drive (St. Anthony Gardens apartment complex), which is the residence of Ms. Breonna Taylor. Detective Jaynes went through investigatory steps to prove Mr. Jamarus Glover resided at the apartment on Springfield Drive. This included looking up Mr. Glover on Clear and Accurant. On February 20, 2020 Clear showed 3003 Springfield Drive as Mr. Glover’s address (lines 459-465 of Detective Jaynes’s transcribed interview with PIU).

Search Warrants were obtained to be served on five locations simultaneously by the CID. These locations were 2424 Elliott Avenue, 2425 Elliott Avenue, 2426 Elliott Avenue, 2605 West Muhammad Ali Boulevard, and St. Anthony Gardens 3003 Springfield Drive #4. These search warrants were all prepared by Detective Josh Jaynes and signed by Judge Mary Shaw on March 12, 2020. The affiant, Detective Jaynes, requested a No-Knock entry on each warrant for these individual locations. This is stated on the last page and the last numbered article of each Affidavit for Search Warrant document. These documents are included in my case file in the tab labeled “Search Warrants.” Within this tab, each location has its own individual tab.

This was a manpower intensive operation. Due to the extensive involvement in the planning and execution of these five simultaneous search warrants, the investigating unit outsourced locations to other platoons/squads within the CID as an overtime detail. There were photographs taken of the CID Operations (OPS) Plan board. These photographs are included in the “Search Warrants” tab section. These are some discrepancies on this OPS Plan:

- The targeted persons are listed with individual photographs of each. These are targets of the investigation itself rather than for each individual location. They are listed as such: Mr. Jamarus Glover, Mr. Demarius Bowman, Mr. Dominique Crenshaw, Mr. Adrian Walker, and Mr. Anthony Taylor. I have this listed as a discrepancy because Ms. Breonna Taylor is not listed nor is her photograph on the board. However, her name, date of birth, and social security number is listed on the Search Warrant and Affidavit for Search Warrant documents for St. Anthony Gardens, 3003 Springfield Drive #4.
- On the OPS Plan board, 2424 Elliott Avenue, 2425 Elliott Avenue, and 2426 Elliott Avenue are in a section labeled in red marker, “No Knock Warrants.” 3003 Springfield Drive #4 has “Knock & Announce” in red marker written above it. Similarly, 2605 West Muhammad Ali Boulevard has “* ? *” in red marker written above it. It should be noted, the Muhammad Ali Boulevard warrant was not served.
 - During his interview, Sergeant Mattingly stated, “Well, I verbally heard we have it signed as a no knock. But we're not gonna go that route. We'd prefer you to do

the knock. Um, on the board it was written no knock, no knock. Knock and announce on ours. Um, but just because they put knock and announce doesn't mean the warrant wasn't sign to no knock. We were told it was." (lines 1212-1216 of Sergeant Mattingly's transcribed interview with PIU).

- Detective Cosgrove explained, "during the briefing that this was a, uh, what I call like a soft target, we were asked that the - to please knock and announce and to use our maturity as investigators to get into this house to - that - to not basically hit the door. Even though they had a - a, uh, no-knock warrant signed." (lines 139-143 of Detective Cosgrove's transcribed interview with PIU). Later in the interview, he further explained, "Oh the knocking, announcing, it - like it gives me chills to think about how long we stayed out there. Knocking and announcing a door is - it is - it is nerve-wracking, um, and then to knock on the door, have to challenge somebody who was - who we've obviously disturbed by our noise and commotion that we're creating, and then to have to continue to knock on the door again, that is - that is like, um, I don't know how, um, I mean I - I - that's nerve-wracking, I don't really have a word to... to say that..." (lines 602-612 of Detective Cosgrove's transcribed interview with PIU).
- Detective Hankison also stated, "but was banging on the wall or door or both, um, yelling, "Police, Search Warrant." And I actually yelled, "Police, Search Warrant," myself. I don't know if I yelled, "Metro Police," or if I just yelled, "Police, Search Warrant," numerous times. And he was actually bangin', I think on the side of the door, because I think the whole building was, like, it was a loud percussion in that time." (lines 167-172 of Detective Hankison's transcribed interview).

The board had the officers assigned to this location listed as "Sgt Mattingly, Campbell – eye/vo (verifying officer) – scribe, Knobles (Nobles – spelled incorrectly), Doerr, James, King, Cosgrove, Hankison/Franklin (Hankison's dog)." Detective Joshua Doerr was reassigned to Elliott Avenue and Officer Collin King was not present.

Detective Campbell, the verifying officer, was assigned to survey 3003 Springfield Drive #4, and he arrived hours prior to the service of the warrant. Shortly after midnight, Lieutenant Shawn Hoover, Sergeant Jonathan Mattingly, Detective Myles Cosgrove, Detective Brett Hankison, Detective Michael Nobles, and Detective Tony James arrived. Sergeant Mattingly noted there was a Roto-Rooter van parked outside of the apartment when he did a drive-by with Detective Campbell. The briefing at the CID Office was led by Detective Wesley Barton and Detective Josh Jaynes led the briefing with SWAT (lines 281-284 of Lieutenant Hoover's transcribed interview with PIU).

False information used on the search warrant:

The search warrants for this operation were prepared by Detective Jaynes. They were signed by Judge Mary Shaw on March 12, 2020. The warrants were approved to be “no-knock” by Lieutenant Gerald Huckleberry (line 1376 of Detective Jaynes’s transcribed interview with PIU). Lieutenant Huckleberry retired prior to this incident being opened for investigation by PSU. This investigation will specifically examine the search warrant for 3003 Springfield Drive #4. Sergeant Kyle Meany is listed on the Risk Assessment Matrix as the Supervisor.

The Affidavit for Search Warrant completed by Detective Jaynes for 3003 Springfield Drive #4 has a list of fourteen numbered pieces of investigative information which were used to detail the facts which led Detective Jaynes to believe he had probable cause for the application of this warrant. The information given on number “9” on the list is conflicting with other pieces of testimony from the first-hand involved parties. The conflicting statement is, “Affiant verified through a US Postal Inspector that Jamarcus Glover has been receiving packages at 3003 Springfield Drive #4.”

Detective Jaynes had interest in parcels being delivered to 3003 Springfield Drive #4 because he and Detective Goodlett observed Mr. Glover picking up what appeared to him to have been a United States Postal Service (USPS) parcel from there while he was performing surveillance on January 16, 2020. Detective Jaynes does not have a direct source with the US Postal Inspector’s Office. He went through Sergeant Jonathan Mattingly regarding this sort of investigation (lines 605-616 of Detective Jaynes’s transcribed interview with PIU and line 259 of his interview with PSU). Sergeant Mattingly’s sources were Sergeant Timothy Salyer and Detective Michael Kuzma of the Shively Police Department, who were Task Force Officers (TFOs) with the USPS. Sergeant Mattingly reached out to Sergeant Salyers and Detective Kuzma on January 17, 2020 at approximately 1325 hours by a text message thread sent to both (a screenshot of this text is included in the case file in the section titled “Sergeant Tim Salyer”). In the text thread, both Sergeant Salyer and Detective Kuzma stated a familiarization with the name provided by Sergeant Mattingly, “Jamarcus Glover.”

Detective Kuzma called Postal Inspector Charlie Klein, and Mr. Klein told them there was no history of parcels being delivered to the address (lines 110-114 of Sergeant Salyer’s and lines 76-79 of Detective Kuzma’s transcribed interview with PIU). Sergeant Salyer and Detective Kuzma did recognize the name “Glover,” however, they were confusing Jamarcus Glover with their target, Jason Glover (lines 116-118 of Sergeant Salyer’s and lines 73-74 of Detective Kuzma’s transcribed interview with PIU). Sergeant Mattingly was given this information from Detective Kuzma, over a phone call. Detective Kuzma handled this by phone to make sure he straightened out the confusion regarding Jason Glover as opposed to Jamarcus Glover and to provide him the information from the Postal Inspector (lines 181-188 of Detective Kuzma’s transcribed interview with PSU). Sergeant Mattingly believed this conversation was in person while Detective Kuzma

was working an off-duty job at UPS (lines 253-261 of Sergeant Mattingly's transcribed interview with PSU). The US Postal Inspector confirmed to Detective Kuzma there was no parcel history going to the address on Springfield (lines 77-78 of Detective Kuzma's transcribed interview with PIU). After Sergeant Mattingly checked with these Shively Officers, Detectives Goodlett and Nobles also reached out to them. They were given the same information (lines 81-91 of Detective Kuzma's transcribed interview). According to Detective Goodlett, the information she received was specific to there not being a conflict with both LMPD and Shively looking into the same target (the Jason Glover VS Jamarcus Glover confusion), not regarding packages being delivered to 3003 Springfield (lines 225-250 of Detective Goodlett's transcribed interview with PSU).

There is clearly a discrepancy from when the information was received from the US Postal Inspector by Shively Detective Kuzma to when it was relayed to Detective Jaynes by Sergeant Mattingly. Detective Jaynes recalled Sergeant Mattingly telling him they were initially looking at the wrong person (lines 746-751 of Detective Jaynes's transcribed interview with PIU). Detective Goodlett also overheard this conversation and recalled the clarification of any conflicts regarding USPS TFOs and the PBI performing investigations on the same target, but she stated she heard Sergeant Mattingly "nonchalantly" say he, "went ahead and verified he was getting packages." (lines 257-273 and 561-565 of Detective Goodlett's transcribed interview with PSU). Sergeant Mattingly recalled discussing the conflict and misunderstanding regarding the incorrect Glover too (lines 276-281 and 442-444 of Sergeant Mattingly's transcribed interview with PSU). Sergeant Mattingly explained the discussion of the discrepancy was the extent of this conversation. According to Sergeant Mattingly, the only information he verified to Detective Jaynes was that the TFOs were not looking into the same Glover. Detective Jaynes stated Sergeant Mattingly said, "Oh, and this is the - the wrong - this is the wrong guy. That, uh, getting, uh, packages of interest. They were lookin' at - at a Jason Glover.' I said okay. And then nonchalantly he said, 'Your guys gets - just get Amazon or mail packages there'." (lines 748-751 of Detective Jaynes's transcribed interview with PIU). Detective Goodlett testified she heard nothing about Amazon packages, but she did hear them talk about mail and packages (lines 453-462 of Detective Goodlett's transcribed interview with PSU).

The statement on the Affidavit for Search Warrant also varies in content to the Investigative Report completed by Detective Jaynes. On the Investigative Report, Detective Jaynes stated, "I verified through Sgt. J. Mattingly of LMPD, who contacted the postal service, that Jamarcus Glover had been receiving packages at 3003 Springfield Drive #4." (This document can be found in the PIU digital file on the drive included with this case, in the "CID Investigative File," titled "PIU 20-019 CID investigative reports.pdf")

Information regarding Mr. Jamarcus Glover receiving packages at 3003 Springfield Drive #4 was not verified by Detective Josh Jaynes, nor was it verified by Detective Josh Jaynes through

Sergeant Mattingly. In fact, the US Postal Inspector denied, not verified, packages being delivered to this address, according to the Shively Officers. This information was passed from the Postal Inspector, through Detective Kuzma, through Sergeant Mattingly, to Detective Jaynes. Regardless of any discrepancy or miscommunication between Sergeant Mattingly and Detective Jaynes regarding what information was relayed, the statement on the affidavit is not truthful.

Detective Jaynes was asked by the PIU Investigators if he had intended to mislead the reviewing judge. Detective Jaynes stated, "No. Not at all. And like I said, I could have - I - I could have worded it a little bit differently in there but I try to be as - as - not as - as detailed - or sometimes it's good to be not as detailed. For instance, like, when I put the computer database, I didn't put Accurint and Clear. I didn't wanna put on there, uh, a find and verified through." (lines 1072-1076 of Detective Jaynes's transcribed interview with PIU) Leaving out the details of which database is used is completely different than swearing on an affidavit, the "Affiant" verified specific information through a specific source, when in reality, the information he received was third-party information. Unlike the ambiguous mention of "computer database," the words regarding the packages was extremely specific, mentioning who verified the information (the affiant - Detective Jaynes), who the information was verified through (a US Postal Inspector), and what information was verified (Jamarcus Glover has been receiving packages at 3003 Springfield Drive #4).

The timeline of the information on the warrant is as follows: The first date on the warrant associated with 3003 Springfield Drive #4 is January 16, 2020. This is mentioned on the piece of investigative information numbered "8". On January 16, 2020, during the afternoon hours, Detectives Jaynes and Goodlett observed Mr. Jamarcus Glover leave 3003 Springfield Drive #4 with a suspected USPS package. This is what caused Detective Jaynes to reach out to Sergeant Mattingly to check his sources leading to the US Postal Inspector. Sergeant Mattingly's contact with Shively Detective Kuzma and Sergeant Salyer was on January 17, 2020. Months later, on March 5, 2020 at 1949 hours, Detective Jaynes had drafted seven search warrant affidavits (the above mentioned five plus one for 3414 Cathe Dykstra Way and another for 2427 Elliott Avenue) and emailed them to Sergeant Joel Casse from SWAT following their meeting. The five warrants, excluding those mentioned in the parenthesis previously, were presented to Judge Shaw and signed on March 12, 2020.

The 3003 Springfield Drive #4 warrant contained probable cause information dated months in advance of this presentation to Judge Shaw. Although the information giving probable cause, based on the normal pace for narcotics trafficking and investigative information collection, was stale, the dates were included on the Affidavit presented for consideration by the reviewing Judge. These dates are accurately depicted, and Judge Shaw signed the warrant regardless of the age of the information.

The exclusion of information mandating SWAT involvement on Springfield Drive #4:

On March 5, 2020, during the preplanning stages of this investigation, Detective Jaynes discussed this operation with SWAT. Lieutenant Massey, the SWAT Commander, stated Sergeant Casse and Sergeant Burns were responsible for the planning. Lieutenant Massey stated Detective Jaynes was advised, he needed to take it slower, and SWAT is not going to do eight warrants in one night due to the inherent danger (lines 92-97 of Lieutenant Massey's transcribed interview with PIU). It was recommended they do "two in this day, two the next day and so on so forth." Sergeant Casse's testimony was identical, stating, "In that time, they discussed maybe six or seven warrants that they wanted to do. Uh, we talked them into, you know, we said, 'Look, six, seven warrants at a time is a no go. Like, it's - it's not a good idea.' We suggest maybe doin' two that night, two a couple nights later, two a couple nights after that. Like, if you just want to interrupt this criminal enterprise, let's interrupt it over the course of a week instead of one day. Plus, it'd be unsafe for us to try to do multiple warrants at the same time, so let's do that." (lines 96-107 of Sergeant Casse's transcribed interview with PIU). Sergeant Casse even specified, during this discussion, Springfield was never brought up during this meeting. The first mention of Springfield Drive Sergeant Casse recalled was later when he received an email (mentioned above, March 5, 2020, at 1949 hours) with multiple affidavits attached. Springfield was one of them along with many others (for reference, this email is included in Detective Josh Jaynes's tab of the case file). Sergeant Casse stated he didn't pay any attention to it, he only paid attention to the three of which they were doing the night planned (lines 107-113 of Sergeant Casse's transcribed interview with PIU). As a note, in the section of Sergeant Casse's testimony, he refers to Elliott Avenue as "Madison" by mistake. This was cleared up during the interview. Sergeant Burns also did not remember Springfield being brought up in the meeting (lines 78-81 of Sergeant Burns's transcribed interview with PIU). Sergeant Burns also recalled similarly, advising Detective Jaynes to not do anything simultaneously (lines 86-88 of Sergeant Burns's transcribed interview with PIU).

There was a briefing at the SWAT substation the day of the operation, including Detective Jaynes. Members of the SWAT Team, who attended this briefing, stated they were not aware the search warrant for Springfield Drive #4 was to be served simultaneously while they were serving the warrants on Elliott Avenue. Lieutenant Massey even specified, "At no point did I ever hear the word 'Springfield' mentioned in - in the briefing." (lines 115-116 of Lieutenant Massey's transcribed interview with PIU) This is apparent during some of their interactions captured on WVS. Sergeant Casse was not aware. This is specifically notable on Sergeant Casse's WVS. Although the radio transmission is not actually heard, a SWAT officer reacted to a transmission, asking Sergeant Casse, "What'd he say?" Sergeant Casse replied, "EMS on Springfield? Where's Springfield?" (0:05:40 of Sergeant Casse's WVS video). Shortly after this, Sergeant Luke Phan was requesting "armor down there now," meaning the armored vehicles used by the SWAT Team. It was then transmitted an officer had been shot on Springfield. Sergeant Casse's confusion and unawareness of the operation on Springfield is further revealed after they started

driving. Sergeant Casse said, "Is Springfield where they were having the... No it's not." Officer Marc Crawford pointed out to Sergeant Casse, "It's where they had another target location." This expresses Officer Crawford was likely aware of the simultaneous service from the briefing or from knowledge of the operation in general (0:13:36 of Officer Casse's WVS video). Lieutenant Dale Massey and Officer Scott Walker also had a conversation expressing unawareness of the simultaneous service of this warrant. Officer Walker, following a radio transmission which cannot be heard, stated, "What's on Springfield?" Lieutenant Massey replied, "I think it's another house they're lookin' at. That's one target house, I guess someone's there watchin'." (0:05:45 of Officer Walker's WVS video) This conversation shows Lieutenant Massey believed there was an interest in the apartment, and they were performing surveillance, but he was not aware of the service of the simultaneous search warrant.

Sergeant Brandon Hogan and Sergeant Michael Burns discussed this as they rode in the back of the Bearcat armored vehicle to Springfield Drive (at 0:17:00 of Sergeant Hogan's WVS video). Sergeant Burns looked at Sergeant Hogan and stated, "We're probably gonna start serving every warrant." Hogan replied, "They said this one was the less, you know what I mean? It's an apartment." Burns then said, "I didn't know they were gonna hit that tonight. I know it was part of the investigation." Hogan responded, "They said they were gonna hit it, they said the main target's location where he lays his head." Burns said, "I didn't hear that." Hogan continued, "But they didn't ask for us to do anything." SWAT command clearly had varying pieces of information regarding this location. Sergeant Hogan testified during his PIU interview on May 19, 2020, "at the very end in accordance or in relation to Springfield, uh, Detective Jaynes mentioned something about Springfield, mentioned it being low on the matrix. That he laid his - the main - one of the main subjects laid his head there, which means he - he stayed there from time to time. Um, but from my understanding, that was not gonna happen that night or happen at a later time." (lines 83-88 of Sergeant Hogan's transcribed interview with PIU from May 19, 2020) This means Springfield was likely brought up during the SWAT briefing, however the specifics were unclear.

When asked directly if he mentioned Springfield during this briefing with SWAT, Detective Jaynes stated, "I would like to believe so, yes." (lines 855-860 of Detective Jaynes's transcribed interview with PSU) He was challenged about that being an uncertain answer, and he stated, "It's not an uncertain answer. I just - again, SWAT was not gonna execute Springfield. The main briefing was for Elliott Corridor."

None of the commanding officers of SWAT were aware of a Risk Assessment Matrix being completed for this location. Detective Jaynes said he brought it with him to the briefing in a folder, and whoever he offered it to did not want it (lines 874-877 of Detective Jaynes's and lines 1037-1045 of Sergeant Meany's transcribed interview with PSU). He could not recall who he tried to give it to. There was a Risk Assessment Matrix completed, listing the supervisor as

Sergeant Kyle Meany, which was provided to PIU during their investigation. Each individual matrix is included in the case file in the section titled "Search Warrants" in the tab of the specific address. There are inconsistencies with this document. The total number associated with the risk level is fifteen, which requires no SWAT consultation. The number which would necessitate SWAT consultation is seventeen. To arrive at fifteen, they checked "additional persons on-site" as a Location Factor (five points), "Firearms/CCDW" as a Criminal History-Charged Factor (five points), and "handgun" as a Weapons Factor (five points).

The name listed on the Matrix is Jamarcus Glover. Information was excluded, or omitted, from matrix which would have elevated the risk level above the mandatory SWAT consultation. First, although they determined to serve it as a "knock and announce," on the last page of the Affidavit for Search Warrant for 3003 Springfield Drive, Detective Jaynes specifically requested no-knock entry. This alone would have added an additional fifteen points making it a high risk and mandating SWAT service of the warrant. Second, they checked "Additional Persons On-Site," however, the people listed on the warrant to be searched were Mr. Glover, Mr. Adrian Walker, and Ms. Breonna Taylor. Even just including Mr. Glover (who was listed) and Ms. Taylor would mean there were likely multiple people who would be considered potential suspects. On top of being listed by name on the warrant, it was believed Ms. Taylor was having narcotics delivered to her house, where she would possess them until transferring them to Jamarcus Glover be sold. The KRS definition for Narcotics Trafficking is, "to manufacture, distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense, or sell a controlled substance." Based on the probable cause listed on the Affidavit for Search Warrant gathered from multiple pieces of investigative information, Ms. Taylor was suspected of a violation of this offense. This would have added another five points. Third, referring to Ms. Taylor and Mr. Glover as "Multiple Suspects" and getting the five points for this, would not eliminate the necessity for checking the box for "Additional Persons On-Site" because they also had information of Ms. Taylor's sister and her sister's child staying at this apartment. Although members of CID PBI Squad testified, they did not have any information about Ms. Taylor's sister or her sister's child staying there during their interviews, Detective Michael Nobles made multiple references about there possibly being a child present. Detective Nobles stated he was given the information about a child being present during the briefing (lines 160-162, 584, and 601-604 of Detective Nobles's transcribed interview with PIU), which was led by Detectives Barton and Goodlett and attended by all of the PBI, except Detectives Jaynes (who was at the SWAT briefing) and Campbell (who was performing surveillance on Springfield at the time). Fourth, the individual detectives had varying degrees of understanding of what "Class 1 Drug Violator" meant, although they all correctly believed it was related to the quantity or weight of narcotics being trafficked. This factor was not checked. To check this factor would have added another five points to the level of risk.

The matrices for the five locations were completed by Detectives Barton and Campbell (lines 658-659 of Detective Goodlett's transcribed interview with PSU). Detective Goodlett described the creation of the matrices as being a group effort. Detectives Michael Campbell and Wes Barton were completing the five matrices, gathering information from the group (lines 664-695 and 938-951 of Detective Goodlett's transcribed interview with PSU). Detective Goodlett was unsure who provided the information regarding the criminal history. She did state she had printed out his criminal history and the detectives completing the matrices may have referenced her printout (lines 1170-1176 of Detective Goodlett's transcribed interview with PSU). During Detective Barton's interview, he stated he completed the matrix for 3003 Springfield Drive (lines 858-862 and 1809-1814 of Detective Barton's transcribed interview). Detective Barton used his own personal knowledge of Mr. Glover's criminal history to complete the form. He further stated he turned it in, or submitted it, to Sergeant Meany (line 1763-1773 of Detective Barton's transcribed interview).

The inclusion of any one of these would have raised the risk level to the level of a consultation. The inclusion of all of these would have mandated SWAT Team service of this warrant. These were excluded, leaving the risk number just below required SWAT consultation.

Issues with the Risk Assessment Matrix form and the Search Warrant policy:

It is important to note apparent flaws in the Risk Assessment Matrix and the Search Warrant policy as they apply to this investigation.

The Risk Assessment Matrix document is a crucially important form which allows an accurate assessment of various risks to determine the safest way for the search warrant to be served for both, the police department and the public. The main flaw in this document is related to the responsibility and accountability for the completion of the form. Policy does not clearly specify who is accountable for this responsibility. The policy stated, "a Risk Assessment Matrix (LMPD #05-0016) will be completed prior to the service of all search warrants." This phrase expresses a strong obligation but does not place the responsibility on a specific actor. Additionally, the document itself does not have a section to specify who completed it, making it impossible to accurately determine upon examination. It requires the supervisor to be listed, but there is nothing stating it is the supervisor's responsibility to create the document. It only suggests supervisory oversight without mandating it clearly on the document or in the policy. It also leaves a circumstance such as this one, where the investigative unit is different than the individuals tasked with the service of the warrant, up to interpretation as to who completes the form.

The "Multiple Suspects" factor is left to interpretation as to who is being considered a suspect. As mentioned in the section above, I find a conservative interpretation of the circumstances would suggest Ms. Breonna Taylor, considering the degree of involvement she was alleged to

have had, should have been considered a suspect, and five points should have been added for this factor. The PBI squad did not check this factor because they stated she was not a suspect, she was a person of interest (lines 823-829 of Sergeant Meany's, lines 689-690 of Detective Barton's, lines 345 and 394 of Detective Campbell's, and line 954 of Detective Jaynes's transcribed interview with PSU). Had there been evidence discovered in the apartment, Ms. Taylor would have possibly faced criminal charges (line 1081 of Detective Jaynes's transcribed interview with PSU). That means she was a suspect. Additionally, Mr. Adrian Walker was on the Affidavit for Search Warrant for this location.

The "No-Knock Warrant" factor is also left to an individual's interpretation. To look at a search warrant, on its face, you will be able to see if it is signed approving a no-knock entry. If this approval is made, a conservative interpretation would suggest this factor should be checked adding fifteen points. The PBI Squad interpreted that it is a planning document and it should be checked according to the way the execution of the warrant is planned. They planned the execution of this warrant to be a knock and announce, therefore they did not check this factor, adding fifteen points. As a note, during his interview, Sergeant Meany stated the decision to knock and announce was his (lines 756-757 of Sergeant Meany's transcribed interview with PSU).

The Risk Assessment Matrix lists a factor as "Class 1 Drug Violator." This specific term, as written on the matrix, is not present in SOP or KRS. The correct term, as described by policy is "Class I Violator." SOP 8.20.4 defines a "Class I Violator" as, "Trafficking one (1) kilogram or greater." This policy itself is left to interpretation. Does this kilogram encompass the duration of the investigation, the span of all criminal offenses charged, or the amount seized during a single incident? A career narcotics trafficker, like Mr. Jamarcus Glover, who is believed to be responsible for a micro-cell of narcotics trafficking which has constant activity and continuous supply, even immediately upon large scale arrests and seizures, would quickly qualify for trafficking in amounts greater than a kilogram. Although there has been no single event where this amount was seized.

The Search Warrant policy itself also has many criteria which the wording utilized does not clearly state an obligation for compliance, making adherence subjective and enforcement of the policy impossible. Many times, important factors are worded using the word "should" as opposed to "will" or "shall." For example in the Affidavit Preparation section, "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." The word "should" suggests a strong recommendation, but discretion is allowed. Therefore, you will see later in this document, regarding inaccuracies on the warrant, the Truthfulness/Untruthfulness policy is more appropriately applicable to the circumstance rather than the policy specific to search warrants. Even without a statement of deception, stronger wording used in the search warrant policy would

allow for more accountability for a search warrant having complete and specific information rather than vague details.

Ultimately, the Risk Assessment Matrix was completed for this event. The accountability for the omissions which made the document deceptive will rest on those responsible for the document's creation and submission.

On-scene preparation/before the breach:

The officers "stacked" at the door in preparation to enter. Sergeant Mattingly was first in the stack with Detective Anthony James, holding a bunker/shield, both to the left of the door. Sergeant Mattingly was assigned to knock and announce. Detective Michael Nobles was to the right side of the door with the ram. He was assigned to breach the door. Sergeant Mattingly stated as he started to knock, an upstairs neighbor (later determined to be Mr. [REDACTED]) came out and began to argue with Lieutenant Hoover and Detective Hankison. Sergeant Mattingly recalls Detective Hankison extending his gun and ordering Mr. [REDACTED] to get back in his apartment. Sergeant Mattingly referred to Detective Hankison as being, "a little bit worked up" and having to tell him to relax and remind him the individual is not his focus (lines 644-651 of Sergeant Mattingly's transcribed interview). Detectives Cosgrove and Hankison remembered this interaction similarly (lines 188-201 of Detective Cosgrove's and lines 172-188 of Detective Hankison's transcribed interview with PIU). Mr. [REDACTED] was at [REDACTED] directly above Ms. Taylor's apartment. The resident, Mr. Stanley David, works with Mr. [REDACTED] at Roto-Rooter. Mr. David's mother was babysitting Mr. [REDACTED] daughter and he was there to pick her up.

There are discrepancies regarding Sergeant Mattingly knocking and announcing. This discrepancy does not alter the facts or the focus of this investigation, which is the use of deadly force. This discrepancy also bares little relevance because the warrant was authorized as allowing no-knock entry. So, a decision to knock or not to knock is not a factor related to allegations of a violation of any policies. I will describe the discrepancies, nevertheless. Sergeant Mattingly stated he knocked and announced for forty-five seconds to a minute in six or seven separate sequences of knocking prior to Lieutenant Hoover directing them to force entry (lines 217-218 of Sergeant Mattingly's transcribed interview with PIU). Sergeant Mattingly specified he knocked for "more than enough time for the average person, or even a disabled person, to get to the door in that small apartment." (lines 711-716 of Sergeant Mattingly's transcribed interview with PIU). Each officer present responded similarly, saying Sergeant Mattingly did knock and there were several announcements. Mr. Kenneth Walker stated as he and Ms. Taylor were watching a movie (Freedom Writers), they were lying in bed when there was a loud knock at the door causing both of them to jump up (lines 162-163 and 260-263 of Mr. Walker's first transcribed interview with PIU). Mr. Walker did not hear any announcements, but there is evidence from both sides saying there was knocking prior to entry.

There was a singular independent direct witness, Mr. [REDACTED] who stated he did hear the officers knock and announce during a phone call on April 15, 2020, with PIU Investigator, Sergeant Amanda Seelye. During the phone call, Mr. [REDACTED] stated he heard the police “banging on the door” and he heard a verbal exchange between the police and an occupant. Mr. Walker’s testimony corroborated this, stating Mr. Taylor yelled, “Who is it” multiple times loudly, at the top of her lungs (lines 287-295 of Mr. Walker’s first transcribed interview with PIU). Detective Nobles mentioned being able to hear “her” inside the apartment (lines 158-160 of Detective Nobles’s transcribed interview with PIU). Although Mr. [REDACTED] described the exchange as the officers saying, “this is the police” and a gentleman replying, “oh no it’s not me. No, I don’t have anything to do with this it’s not me.” Mr. [REDACTED] heard them banging on the door prior to when he opened the door to the apartment to confront Lieutenant Hoover and Detective Hankison (lines 82-120 of Mr. [REDACTED] transcribed phone conversation with PIU on April 15, 2020). There was a previous phone call on March 21, 2020. During this previous phone call, Mr. [REDACTED] stated he did not hear anyone knocking on the door and they did not identify themselves. He identified the officers based on police cars and markings on their clothing and vehicles (lines 24-65 of Mr. [REDACTED] transcribed phone conversation with PIU on March 21, 2020).

Mr. Walker stated, “Both of us are not decent (meaning not clothed).” Ms. Taylor had fallen asleep while watching the movie, so Mr. Walker was watching it by himself as she slept. The loud bang at the door caused both to jump out of bed. Ms. Taylor yelled multiple times, at the top of her lungs, “Who is it?!” They both started putting on clothes (Mr. Walker included the clothes he grabbed were not even his, they were hers) and the knocking continued so Mr. Walker grabbed his gun. He explained, he and Ms. Taylor had been in an on and off again relationship for seven years and there was a guy she was involved with and he had “popped over” once before while he was there a couple months ago. They got up to see who it was and when they started towards the door, the door came “flying off the hinges.” (lines 260-290 of Mr. Walker’s first transcribed interview with PIU) Detective Nobles’s testimony mirrors this, stating he also heard a female inside yelling “Who is it?” (lines 1002-1006 of Detective Nobles’s transcribed interview with PSU).

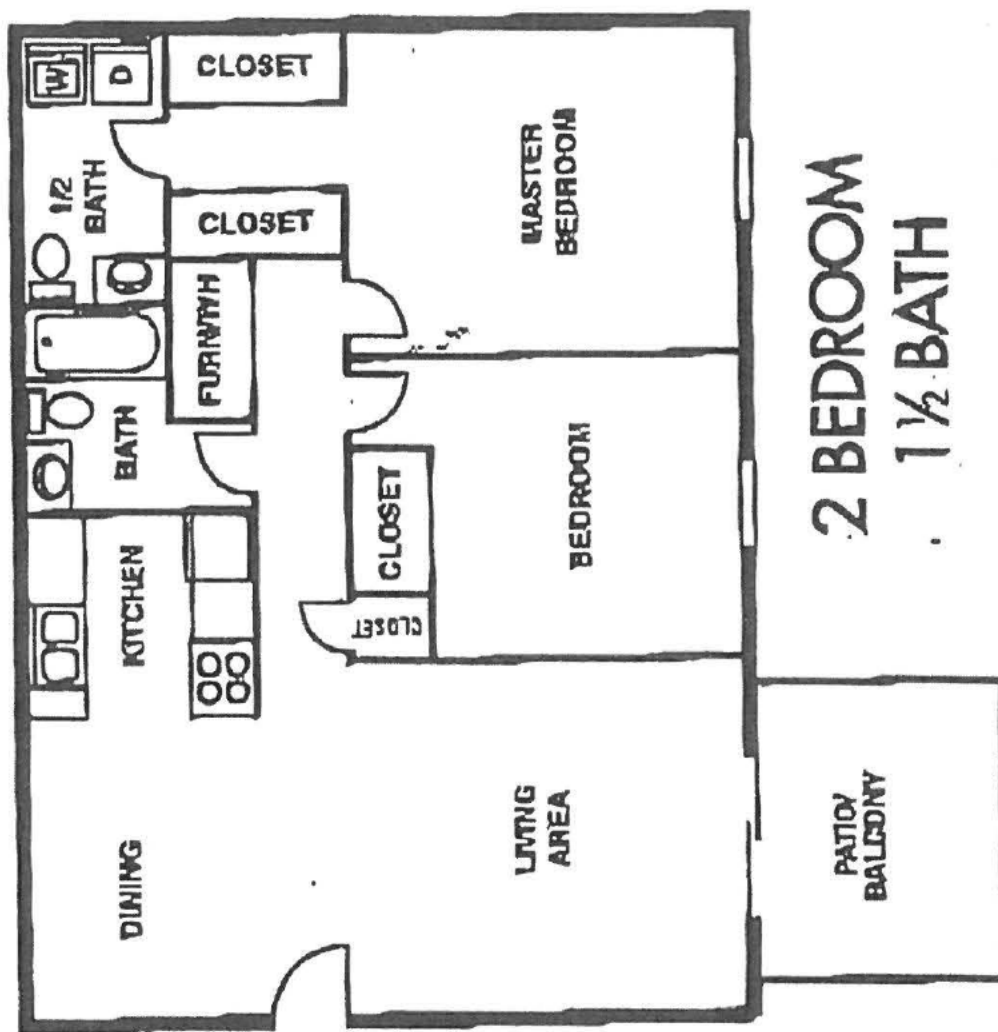
Regarding any announcements made, Mr. Walker stated, “And when you’re - it’s a long hallway and as you can see like - so, like, all you can hear is a knock at the door even if somebody was sayin’ somethin’ on the other side you probably hear ‘em. But as loud as we were screamin’ to say who it is, I know whoever would be on the other side of the door could hear us.” (lines 316-323 of Mr. Walker’s first transcribed interview with PIU). This statement suggests the knocking was loud, but both parties could have heard the other over it.

Prior to the first swing with the ram to breach the door, Detective Nobles stated he heard a female from inside the apartment (lines 158-160 and 362-368 of Detective Nobles’s and lines 221-224 of Sergeant Mattingly’s transcribed interviews with PIU). He further specified, during

his PSU interview, he heard the female asking “who is it?” (lines 1002-1006 of Detective Nobles’s transcribed interview with PSU) Detective Nobles told Sergeant Mattingly he heard someone inside. After waiting to hear a response from inside, Sergeant Mattingly looked back to Lieutenant Hoover, and Lieutenant Hoover told him, “I guess go ahead and hit it.” Sergeant Mattingly then looked to Detective Nobles and said, “Go ahead.” (lines 218-226 of Sergeant Mattingly’s and lines 415-418 of Lieutenant Hoover’s transcribed interviews with PIU).

The breach and immediate observations:

It was upon Lieutenant Hoover’s and Sergeant Mattingly’s direction; Detective Michael Noble used a ram to breach the door. He struck the door three times before it swung open (lines 224-233 of Sergeant Mattingly’s transcribed interview with PIU). As Detective Nobles struck the door, Detective Cosgrove moved from his position near the sliding glass door to act as cover for Detective Nobles (lines 207-212 of Detective Cosgrove’s transcribed interview with PIU). Sergeant Mattingly stated as they breached the door, they announced, “Police, search warrant!” Sergeant Mattingly entered. The layout of the apartment, according to the photographs, is from standing at the front entrance, there is an open floor plan. The living room section and a sliding glass door leading to the outside patio is immediately to the right and the kitchen/dining room area is to the left. Directly in front of the entrance is a hallway giving access to two bedrooms on the right side, and a half bathroom on the left. Detective Cosgrove described himself being “overwhelmed with this darkness, this – it is – it is extremely dark in this apartment.” (line 227-229 of Detective Cosgrove’s transcribed interview). Sergeant Mattingly described it as, “It was enough where I could see him. I did not turn my gun light on which I’m thankful so that his b- you know, his gun wasn’t more attracted to where my light was. I don’t know if people had theirs on behind me. I could see enough to see a male on the right, a female on the left. Could I identify their faces? No. But I could actually see the handgun in his hand. I remember seeing the barrel of that, um, as soon as we turned that corner.” (lines 766-772 of Sergeant Mattingly’s transcribed interview with PIU).



Sergeant Mattingly observed a male and a female standing at the end of the hallway by the bedroom door which was on the right side (later identified as Mr. Kenneth Walker and Ms. Breonna Taylor). From Sergeant Mattingly's perspective at the entry door looking into the apartment, Mr. Walker was to the right, closest to the master bedroom door and Ms. Taylor was to the left of Mr. Walker. According to Sergeant Mattingly, Mr. Walker had his hands stretched out, holding a gun. The two were standing shoulder-to-shoulder (lines 235-246 of Sergeant Mattingly's transcribed interview). Sergeant Mattingly described this as, "it was almost like at the shootin' range where two - two things flip at the same time and you gotta shoot, no shoot." Detective Cosgrove specified, "Due to my position I really don't have a good visual, uh, of inside of this apartment because I'm looking at basically still the door from where the door opens." (lines 218-220 of Detective Cosgrove's transcribed interview with PIU). Mr. Walker and Ms. Taylor were both wearing black clothing standing at the end of the hallway, dimly illuminated by the light of the television playing in the bedroom.

The exchange of gunfire:

Sergeant Mattingly heard a “boom” and could feel the heat from the round in his left leg. Mr. Walker stated when the door opened, “I just let off one shot like I can’t still see who it is or anything. So now the door’s like flying open. I let off one shot and then all of a sudden there’s a whole lot of shots. And, like, we both just drop to the ground and the gun fell like right over there and I kicked it ‘cause I’m like scared to death like now we’re seein’ lights and s- stuff. So I was lookin’ around, okay it’s the police and there’s a lot of yellin’ and stuff. So there’s just shooting and like we’re both on the ground and then when all the sh- shots stop I’m, like, panicking. She’s right there on the ground like bleeding and - yellin’.” (lines 289-297 of Mr. Walker’s first transcribed interview with PIU)

Sergeant Mattingly returned fire, shooting four times. He then went back and down on the side of the door, reached around and fired two more shots (lines 247-251 of Sergeant Mattingly’s transcribed interview with PIU). Sergeant Mattingly then scooted back, and Detective Myles Cosgrove slid forward and began to shoot. Sergeant Mattingly slid back on his butt out of the apartment then hobbled to the curb where tripped over Detective Campbell, who had fallen to the ground near the curb. Lieutenant Hoover then grabbed Sergeant Mattingly’s vest and pulled him further from the scene. Detective Tony James and Lieutenant Hoover utilized a tourniquet to render first aid (lines 285-295 of Sergeant Mattingly’s transcribed interview with PIU).

Sergeant Mattingly stated he recalled hearing several shots being fired when he stepped off the curb and tripped over Detective Campbell (lines 280-285 of Sergeant Mattingly’s transcribed interview with PIU). This was most likely Detectives Cosgrove and Hankison firing. Sergeant Mattingly was confident, it was just him and Mr. Walker for the first exchange (Mr. Walker’s single shot and Sergeant Mattingly’s first four shots) (lines 961-963 of Sergeant Mattingly’s transcribed interview).

Detective Cosgrove’s recollection and description of the event is surreal and unclear in detail. Detective Cosgrove’s initial recounting of the event does not specify his visualization of an actual target nor does it specify clearly at what point during the event he began shooting. Detective Cosgrove mentioned experiencing an overwhelming darkness with flashes of bright white light and completely muted audio. Detective Cosgrove later clarified the vivid flashing light to have been gunshot, or a firearm being fired (lines 831-836 of Detective Cosgrove’s transcribed interview with PIU).

Regarding when he was actively shooting and what he was targeting, he stated this, “I know that someone has been shot, that John has been injured. I continue to see this - this blinding light and these vivid white flashes and I see this darkness in front of me followed by - and this is hard for me to explain but I - I see this distorted shadowy mass, this figurine, this figure in front of me that is - it’s just, you know, it’s coming and going due to the flashing light. This is all happening

in again, in - in seconds. Seconds. Uh, I am still standing in more or less the same spot on the threshold. Um, again, I can hear nothing, it is completely - it is completely muted, there is no sound. I turn and I see that John Mattingly is being pulled or scooped back or somehow moving back from behind me. Um, I know or I'm fairly positive that at - at - at - at - before me turning to look at - to - to - to know that he had left or - or to know that he's being moved I'm almost positive that I'm - I had fired or were firing, um, during those - that - those - those flashes and during that - that vivid - those vivid, uh, white and black and grey colors I was seeing." (lines 238-252 of Detective Cosgrove's transcribed interview with PIU). The blinding light and vivid white flashes in front of him was his muzzle flash and the distorted shadowy mass, figurine, figure in front of him was Ms. Taylor. Detective Cosgrove also stated, "It was disturbing, it was, um, it wasn't real. And then this shadowy figure is, uh, it's shrinking, if that makes sense, and it doesn't make sense to me but this - the world is becoming really vividly black and white." (lines 891-893 of Detective Cosgrove's transcribed interview with PIU)

Regarding when he stopped firing, he later clarified, when Sergeant Mattingly was shot, he was standing on some part of Sergeant Mattingly's body (ankle, hip, or calf). He stated, "And about the time that I stopped feeling this contact is about the time that I stopped firing. Um, but again that happens and that happened in like two seconds." (lines 842-851 of Detective Cosgrove's transcribed interview with PIU). Detective Cosgrove was questioned again, to get clarity regarding what he perceived and when he started shooting, Detective Cosgrove repeated, "I - I don't know. I just see this - this flash, this vivid flash and this distorted shadowy figure. And I thought this would come back to me but I - that's all I see is this distorted shadowy figure and these flashes which are obviously a gun, uh, being fired." (lines 861-864 of Detective Cosgrove's transcribed interview with PIU).

Detective Cosgrove also experienced numbness in his hands. He stated he did not have the distinct feel he recognized to be the feeling of firing a gun nor did he experience any hand sensation. He stated he only recognized he was firing a gun due to the flashes that were happening (lines 910-916 of Detective Cosgrove's transcribed interview with PIU). Detective Nobles described when Detective Cosgrove was firing as it "sounded like a machine gun going off around us." (lines 716-717 of Detective Nobles transcribed interview with PSU)

Following the shooting, Detective Cosgrove briefly assisted in the care for Sergeant Mattingly. He then shouted, "Unfuck yourselves and reload!" (line 274 of Detective Cosgrove's transcribed interview with PIU) Detective Cosgrove had fired sixteen rounds. This means he emptied a full magazine and had a round in the chamber. Detective Cosgrove pulled his AR-15 from the trunk (lines 289-295 of Detective Cosgrove's transcribed interview with PIU) of his car and returned to hold the outside perimeter of the apartment with Detective Hankison until K9 and SWAT arrived.

When Detective Cosgrove withdrew from the immediate area of the entry into the apartment, he still saw flashing happening. He stated, "I don't hear any gunfire at all ever. I don't hear - I hear nothing. Until, you know, until I'm in this area is when I start hearing people, I don't hear gunfire anymore. The - the white flashes I'm still seeing them which doesn't make sense 'cause I'm not firing. Um, but I'm still seeing white flashes as I'm - uh, this doesn't really show it but as I'm kind of - as I'm exiting the... the opening of this apartment building here." (lines 970-1022 of Detective Cosgrove's transcribed interview).

Detective Cosgrove was interviewed again, by Detective Jeff Fogg of the Attorney General's Office's Department of Criminal Investigations. This interview took place on September 18, 2020, and it was presented to the Grand Jury on September 22, 2020. This presentation was recorded, and the recordings were released to the public. The recordings of the Grand Jury presentation are included digitally in the external memory drive included with this file. The audio file containing the playing of Detective Cosgrove's interview with Detective Fogg is on the file titled "BT Sept. 22 - 4.mp3". The interview is being played from 5:20 to 1:12:43 on this audio file.

During his interview with Detective Fogg, Detective Cosgrove still spoke of the event as he previously recalled it, in the same surreal manner. He did articulate similarly; he saw a shadowy figure. His description of the figure was more descriptive during this interview. He stated it was a "larger than normal human shadowy figure," even further clarifying "wider". He also was able to differentiate between a "tall human shape" and a "rounder shape connected to it." (lines 684-701 of Detective Cosgrove's transcribed interview with Detective Fogg). Additionally, in this interview, Detective Cosgrove was asked to describe what he recalled regarding movement and if the figure's hands were up. Detective Cosgrove stated, "It's - I am not seeing that kind of detail." (lines 756-757 of Detective Cosgrove's transcribed interview with Detective Fogg).

Detective Hankison stated he observed darkness in the apartment. He explained, "but then I saw an immediate, eh, illumination of fire, um, come and what I saw at the time was a figure in a shooting stance, um, and it looked as if he was holding - he or she was holding an AR-15 or a long gun, a rifle-type gun. And a couple of things I guess my brain processed to - to understand that was that the large muzzle flash looked like a l- a large muzzle flash from a rifle. The loud, like, th- the loud percussion I got from it, and then, um, the way he was holding the gun or it appeared to me, the way he was holding the gun, like - like we would if we were at the range or - or, uh, the best way to describe it is, to me, when - I guess how my mind processed it was, it was - we were at the range, shooting targets and you know how they will have the - literally have the targets turn and then it's either a bad guy or a good guy, you don't know. And you yell, "Threat." And it was literally, I saw that threat target and then, um, the - the muzzle flash from the - from the gun. Um, I didn't - I don't recall if I fired as I was going back, but I knew where we were at was - was the worst place you could be, period. There was no other - and it's described, I guess,

as a fatal funnel in the academy, but that's exactly what it was." (lines 229-246 of Detective Hankison's transcribed interview). Following this, Detective Hankison spun around and ran back toward the parking lot area and rounded the left corner. Detective Hankison stated as he ran away, he never looked back. As he rounded the corner, he heard someone say, "I'm hit," "he's down," or "John's down." Detective Hankison then heard rapid fire. He associated this sound with what is made by a rifle (lines 257-268 of Detective Hankison's transcribed interview with PIU). According to the timeline as explained by Detective Cosgrove, this was likely when Detective Cosgrove returned fire.

Detective Hankison stated he saw the muzzle flashes through the blinds or curtains of the sliding glass door. He believed his only option was to fire toward the area he had already seen where the threat was. Detective Hankison continued to move around the building. He claimed he could still see the muzzle flash through the curtains or blinds in the bedroom window as well, so he returned fire through the window also (lines 292-316 of Detective Hankison's transcribed interview with PIU). He stated he heard a volley of shots which seemed to intensify prior to opening fire through the sliding glass door (lines 928-935 of Detective Hankison's transcribed interview with PIU). He did not know how many shots were fired during this volley, but he verbalized a shooting sound nine times. From the evidence, it appears the initial fire exchange was likely Mr. Walker and Sergeant Mattingly, Mr. Walker shooting one round and Sergeant Mattingly returning fire four times consecutively, followed by another two rounds. The more intense volley of multiple shots was likely Detective Cosgrove, who fired sixteen rounds. Detective Hankison fired two volleys of five shots. The first volley was through the sliding glass door and the second was through the window (937-945 of Detective Hankison's transcribed interview with PIU). Detective Nobles mentioned there being a break in the shooting. When the break occurred, the detectives took the opportunity to retreat from in front of the entry into the parking lot (lines 198-199 of Detective Nobles's transcribed interview with PIU). He mentioned following the "little bitty moment of no shots, I was like, here's the time to go and then it all started up again" (lines 385-386 of Detective Nobles's transcribed interview with PIU).

Detective Hankison stated he was near where the red car is in the picture presented to him during the interview. The photograph shows a red car in a parking space to the right of the patio directly by the bedroom window (when looking at the floorplan diagram, it is the room labeled "Bedroom," not the room labeled "Master Bedroom.") He fired a total of ten rounds. The crime scene photographs show the sliding glass door had shattered, but there are five distinct bullet holes in the screen. There are also five distinct bullet holes through the bedroom window. After firing into the window, Detective Hankison noticed the shooting, "stopped immediately." Detective Hankison then transmitted on the radio, "an officer has been shot!" Detective Hankison also disseminated the suspect was armed with a rifle over the radio. He stated this based on what he believed he had observed (lines 1082-1083 of Detective Hankison's

transcribed interview with PIU). This was transmitted on Police 3. Detective Hankison stated, "Officers encountered rifle fire."



After firing his gun one time at the officers as they entered, Mr. Walker dropped his gun and kicked it under the bed in the guest bedroom (lines 406-416 of Mr. Walker's first transcribed interview with PIU). A Glock 9mm Luger semiautomatic pistol, Model 43X (serial number BLLF733) was recovered in the location specified by Mr. Walker. The shell casing for this 9mm round was recovered from the ground near Ms. Taylor's body and confirmed by the KSP Ballistics report as to have been fired from Mr. Walker's gun.

The immediate aftermath:

An EMS Med Unit had been assigned to be on stand-by at this location. However, following the shooting, there seemed to be a long span of time where EMS was not present. There was a gate separating the apartment complexes in this area. Officer Grant Combs, of the 3rd Division, was the first to arrive and when he pulled in, he was on the opposite side on the gate because this was the shortest route into the entrance of the neighborhood. Officer Combs used his vehicle to crash through the locked gate (lines 100-106 of Officer Combs's transcribed interview with PIU and at 0:01:24 of his WVS video). He was instructed to do this by the officers shouting to him on the other side of the gate. Lieutenant Hoover and Officer Combs picked Sergeant Mattingly up and placed him on top of the trunk of Detective Cosgrove's Nissan Altima so Detective Nobles, who got in the driver's seat, could drive him to EMS (lines 314-329 of Sergeant Mattingly's and lines 309-314 of Detective Cosgrove's transcribed interview with PIU). As Sergeant Mattingly was

being transported on the trunk of Detective Cosgrove's Altima, he observed the med technicians walking to them from the opposite side of the gate. Lieutenant Hoover then carried Sergeant Mattingly over the fence to the EMS crew. Sergeant Mattingly was transported by ambulance to University of Louisville Hospital. The members of the EMS crew (Med 355) that transported Sergeant Mattingly to University Hospital were Technicians Bradley Fitzpatrick, Will Smith, and Kenneth Fletcher.

Inside the apartment, following the exchange of gunfire, Mr. Walker made multiple phone calls. His first call was to his mother, Ms. Velicia Walker (lines 780-784 of Mr. Walker's transcribed interview with PIU). He told Ms. Walker, "somebody just kicked in the door and shot Bree." Ms. Walker told him to call 911. At 0050 hours, Mr. Walker called 911. He told the call taker someone kicked in the door and shot his girlfriend. He provided the name "Kenneth," and provided the address of 3003 Springfield Drive #4. To this point, the address given by the involved officers was 3007 Springfield Drive. Mr. Walker then hung up at 0051 hours. Mr. Walker then called Ms. Taylor's mother, Ms. Tamika Palmer (lines 787-797 of Mr. Walker's transcribed interview with PIU). While he was on the phone with Ms. Palmer, he heard the police yelling for him to come out of the apartment. Prior to exiting, his mother called. He was on the phone with her as he exited the apartment under the verbal command of the officers.

Mr. Walker stated he did not know it was the police who entered the apartment and shot Ms. Taylor when he called his mother and was instructed to call 911. He further explained he didn't realize it was the police until they were yelling at him to come out (lines 781-790 of Mr. Walker's transcribed interview with PIU). However, as mentioned previously, Mr. Walker stated "And, like, we both just drop to the ground and the gun fell like right over there and I kicked it 'cause I'm like scared to death like now we're seein' lights and s- stuff. So I was lookin' around, okay it's the police and there's a lot of yellin' and stuff." (lines 289-297 of Mr. Walker's first transcribed interview) This statement expresses recognition of it being the police just after dropping the gun and kicking it under the bed.

More patrol officers started to arrive, and they were placed strategically to cover the perimeter of the apartment. As he took a position, Officer Brendan Kaiser asked Detective Hankison what he needed. Detective Hankison stated, "Sliding glass door, target bedroom one, target bedroom two. Those are my rounds through those windows. He was standing in the hallway firing on us at the door. So, all, all three bottoms are in play." (0:08:15 of Officer Kaiser's WVS video) Detectives called out the occupants of the apartment, first Detective Campbell, then Detective Hankison took over. Eventually, Mr. Kenneth Walker exited, still on the phone with his mother, and Detective Hankison directed him put the phone down and to walk backwards towards them. Eventually K9 Officer Jeremiah Nimmo joined with his dog, Hondo. Officer Nimmo took over shouting instructions. Once he was closer to the officers, Mr. Walker was asked to kneel, and he was handcuffed by Detective Hankison and Officer Christen Branan, a 4th Division Officer who

had responded. They used Officer Hankison's handcuffs (lines 412-440 of Officer Branan's transcribed interview with PIU). As he was handcuffed, Mr. Walker asked, "What's goin' on?" Detective Hankison responded, "You're going to prison, that's what's going on. For the rest of your fucking life!" (best observed on Officer Branan's WVS titled "AXON_Flex_2_Video_2020-03-13_0044(1)" at 0:14:35). After he was detained, Mr. Walker told Detective Hankison his girlfriend was dead inside. Detective Hankison stated Mr. Walker told him, "She was shooting at you with her 9, or her 9-mm." (lines 380-406 of Detective Hankison's transcribed interview with PIU). K9 Officer Nimmo's and Officer Brannan's WVS video captured this conversation and it will be described in detail below.

Mr. Walker was eventually secured in the back of 7th Division Officer, Andrea Shaw's patrol car prior to be transported to the Public Integrity Unit Office to be interviewed. Prior to leaving Springfield Drive, Detective Cole Gibson spoke to Mr. Walker while he was in the back of Officer Shaw's patrol car. This was to gather information about who all was inside the apartment (children, pets, etc...) (0:22:40 of Officer Corey Russell's WVS video). Officer Branan followed Officer Shaw to the PIU Office.

During his interview with PIU, Mr. Walker admitted he was the one who shot. He stated, "The, like - the door, like, comes, like, off the hinges. So I just let off one shot like I can't still see who it is or anything. So now the door's like flying open. I let off one shot and then all of a sudden there's a whole lot of shots." (lines 288-291 of Mr. Walker's first transcribed interview with PIU). He was asked why he originally told officers she shot, he explained he didn't mean to and he did it because he was scared (lines 414-417 of Mr. Walker's third transcribed interview with PIU).

Shortly after taking Mr. Walker into custody and removing him from the immediate scene, Detective Cosgrove addressed the group of officers holding the perimeter. He stated, "So, Apparently there is at least one more occupant inside this apartment." (0:13:38 of Officer Gida's WVS video) The dispatcher then asked, "Radio to any unit that can verify that the susp... that the 10-15 is the shooter." Detective Cosgrove stated, out loud to the group, "Negative. Unknown." Officer Steven Gida then transmitted this information, stating, "Unknown." (0:13:47 of Officer Gida's WVS video). This information is crucial because at this point, Detective Cosgrove had shot sixteen rounds into the apartment without positively identifying who the shooter was. To Detective Cosgrove, minutes after the use of deadly force, the shooter, or threat, was unknown.

Some patrol officers who were covering the rear of the apartment, confronted a white male they saw through a broken sliding glass door. Officer Philip Renaud saw him and began attempting to call him out (0:17:40 of Officer Renaud's WVS video). These officers believed this apartment was the same apartment where the shooting had taken place. This was actually apartment #3,

and the white male the officers confronted was Mr. Cody Etherton, who lived in this apartment with Ms. Chelsey Napper and her child. Officer Tyler Story transmitted over the radio, "We got a white male inside, shirtless, hands out the window, in the back." (0:16:08 of Officer Story's WVS video). This led to confusion about a possible white male being in the target apartment. This confusion was remedied by SWAT clearing apartment #4.

LMPD SWAT arrived shortly after Mr. Walker was taken into custody, approximately the same time as the confrontation with Mr. Etherton in the rear of the building. The team arrived in the Bearcat armored vehicle. They had responded from Elliot Avenue where they were assisting in the service of the other search warrants linked to this search warrant on Springfield Drive. The members of the team were Lieutenant Dale Massey, Sergeant Joel Casse, Sergeant Michael Burns, Sergeant Brandon Hogan, and Officers Christopher Kitchen, Daniel Zummach, Robert Krugler, Scott Walker, Christopher Baker, Marc Crawford, and Medic Grant Young. Following the shooting, these were the first officers to enter apartment #4. They located Ms. Taylor at the end of the hallway, and she was examined by Medic Grant Young. He determined she was deceased. The SWAT officers were wearing WVS and each video captures this event.

Following SWAT clearing the apartment, as they were finishing up, Detective Hankison approached and attempted to enter the apartment. He can be observed on multiple WVS videos crossing the threshold and asking questions. Just outside of the entry door, Detective Hankison asked Officer Marc Crawford, "Is anyone in here dead?" (0:08:19 of Officer Crawford's WVS video). Detective Hankison then stepped away but returned shortly after. The second time, he was met by Sergeant Brandon Hogan at the entry. Regardless of Sergeant Hogan standing blocking the door, Detective Hankison stepped inside the apartment. Detective Hankison started to examine and discuss shell casings. Sergeant Hogan told him, "I'd back out until they get PIU in here. So..." Detective Hankison remained and started asking questions about if they located any gun, then specified long guns. Sergeant Hogan did not satisfy his inquiry, however from a distance, Sergeant Casse mentioned a pistol under the bed. Detective Hankison then withdrew (0:34:36 Sergeant Hogan's WVS video). Sergeant Hogan then stepped outside of the apartment telling Sergeant Casse, "I'm gonna pull out to here to make sure nobody else comes in here."

Each of the involved CID officers were wearing plain clothes uniforms with black tactical outer vests. The outer vests were all marked with reflective lettering saying "Police" on the front and back.

Dialogue creating confusion about who shot at the officers:

Taken from Officer Branan's WVS starting at 0:14:51 and ending at 0:15:55

Detective Hankison – "Who else is in the apartment?"

Mr. Walker – "Nobody. My Girlfriend is dead! What?"

Lieutenant Hoover – "Why is your girlfriend dead?"

Mr. Walker – “I don’t know!”

Detective Hankison – “Inside?”

Mr. Walker – “Yeah, somebody... y’all just... when y’all was bangin’ at the door, she said ‘who is it’ and y’all just started shooting!”

Lieutenant Hoover – “No, No, we announced three times, Police Search Warrant!”

Detective Hankison – “There’s somebody in there dead?”

Mr. Walker – “Yeah, my girlfriend. It’s her house!”

Lieutenant Hoover – “Who was shooting at us?”

Mr. Walker – “It was her house!”

Lieutenant Hoover – “Who was shooting at us?”

Mr. Walker – “What? What is this about? We don’t... We’re both just regular worker people!”

Lieutenant Hoover – “What kind of gun did she have?”

Detective Hankison – “Where is she at in the apartment?”

Mr. Walker – “She’s on the ground!”

Detective Hankison – “Where at?”

Mr. Walker – “In the hallway!”

Lieutenant Hoover – “What kind of gun did she shoot?”

Mr. Walker – “A... It’s a nine... it’s a regular nine-millimeter!”

Lieutenant Hoover – (said at the same time as Mr. Walker’s answer) “A rifle or a pistol?”

Detective Hankison – “Did she shoot or did you shoot it?”

Mr. Walker – “It was her, she was scared! Y’all just kicked... Nobody...like...She just...It was just a n...are y’all? What is this about?”

As you can see from the dialogue, the first suggestion regarding Ms. Taylor being the shooter was made by Lieutenant Hoover when he asked, “What kind of gun did SHE have?” followed by “What kind of gun did SHE shoot?” (best heard on Officer Seeders’s WVS video at 0:07:48) After this, Mr. Walker answered “nine-millimeter” without correcting him or clarifying it was him that shot. This was clarified by Detective Hankison when he asked specifically, “Did she shoot or did you shoot it?” This is when Mr. Walker stated it was Ms. Taylor. Up until this point, there was no confusion from any of the involved officers as to who shot. Throughout the videos, they consistently refer to the shooter as the male. Officer Nobles even announced to officers as they arrived, “Alright, we’re gonna have a heavy-set black female in there that’s shot. And there is a black male in there with a long gun that shot at us through, when I hit the door.” Although he was certainly unclear about the type of weapon, he verified the male shot at them, and a heavy-set female was shot. (0:05:45 of Officer Gida’s WVS video). This observation even included a specific description of Ms. Taylor, proving there was enough light inside to differentiate between the two. Obviously, the discrepancy regarding what the male was armed with is due to Officer Hankison’s dissemination of this information, which is discussed below.

Confusion regarding the suspect firing at the officers with a rifle:

Evidence shows, physical and testimony, Mr. Walker was armed with a handgun. However, the responding officers believed the suspect to have been firing upon the officers with a rifle (consistent throughout the responding patrol officers' testimony). This inconsistency is absolutely the fault of Detective Hankison for disseminating misinformation over the radio on the Police 3 channel (monitored by Divisions 1 and 2).

Throughout Detective Hankison's interview with PIU, as mentioned above, he stated he initially believed, due to the brightness of the muzzle flash and the loud, percussive sound, a rifle (specifically mentioning an AR15) was being fired at them. During his radio transmission on Police 3, Detective Hankison shouted, "3007 Springfield #4! 3007 Springfield #4! 10-30! Officers encountered rifle fire! Officer Down!" The dispatcher repeated the location and Detective Hankison followed with this instruction, "Bring long guns!" (this is immediately heard on the MetroSafe audio file titled "3007 Springfield Dr #30. Police 3. P20098469 P20098470 P20098478.wav"). Later in the transmission (at 1:56 of the same audio file), he specified, "Subject is still inside, radio. Barricaded with a long rifle. Uh, looks like an, looks like an AR." Then again, "Beat cars with a long gun, please."

Similar transmission continued from Detective Hankison on the TAC 3 channel (MetroSafe audio file titled "3007 Springfield Dr #30. TAC 3. P20098469 P20098470 P20098478.wav") which was assigned for radio traffic regarding this incident. Sergeant Luke Phan asked Hankison his position and Detective Hankison told him he was still on scene and asked if anyone else was in the house, Detective Hankison advised, "I saw one, he's got an AR, that's all I saw boss." (this can also be heard on Officer Combs WVS video at 0:09:17)

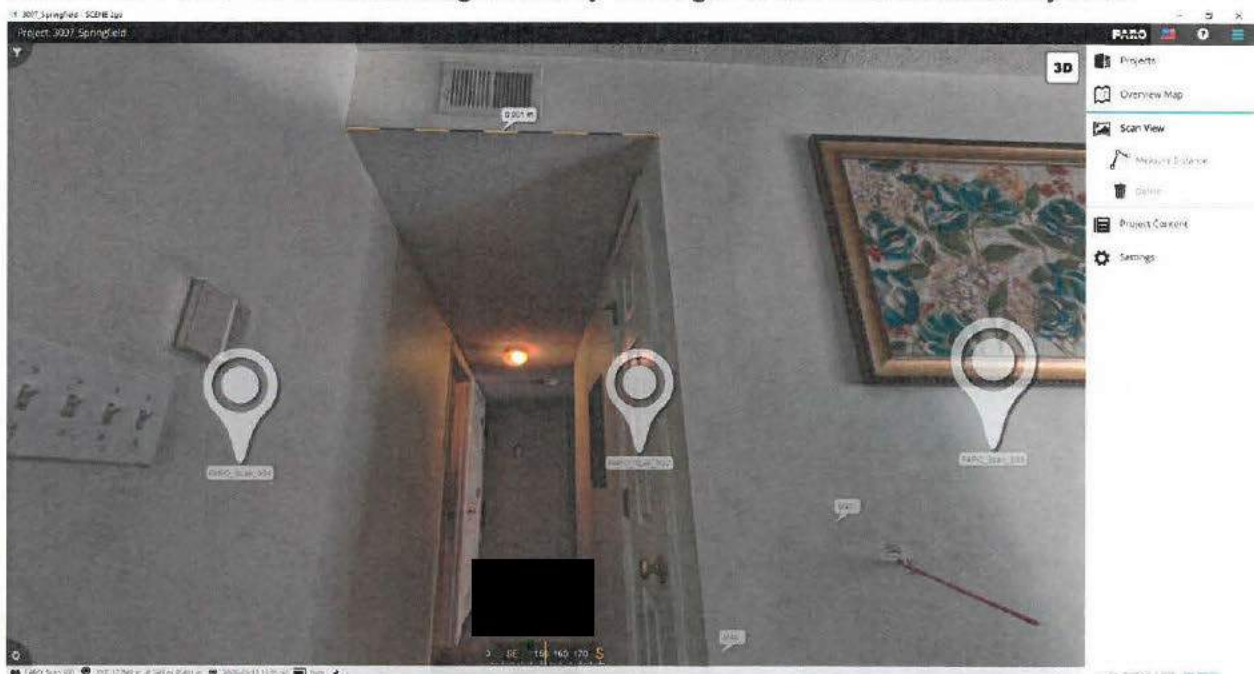
Detective Nobles also disseminated this information to responding patrol officers upon their arrival (0:08:52 of Officer Rachel Arroyo-Phillips's first WVS video). Officer Joshua Rucker disseminated the information over the Police 2 radio channel (monitored by Divisions 3 and 8), requesting responding officers to bring rifles (0:02:20 of Officer Rucker's WVS video).

This information was further obscured following the arrival of commanding officers to the scene and to the hospital. The original misinformation regarding the officers being shot at with a rifle became further distorted when Mr. Walker's statement about his girlfriend being the one who shot was disseminated through the command staff. Former Chief Steve Conrad responded to the hospital. He was given information from Colonel Josh Judah, who responded to the scene on Springfield Drive. Former Chief Conrad was told the shooter was a woman (line 108-112 of Former Chief Conrad's interview with PIU). Specifically, Lieutenant Les Skaggs shared he had been told the suspect, a woman, was lying on the floor in a prone position holding a rifle when the officer entered (lines 123-126 of Former Chief Conrad's transcribed interview with PIU). After being given this information, Detective Hankison spoke with the Former Chief at the

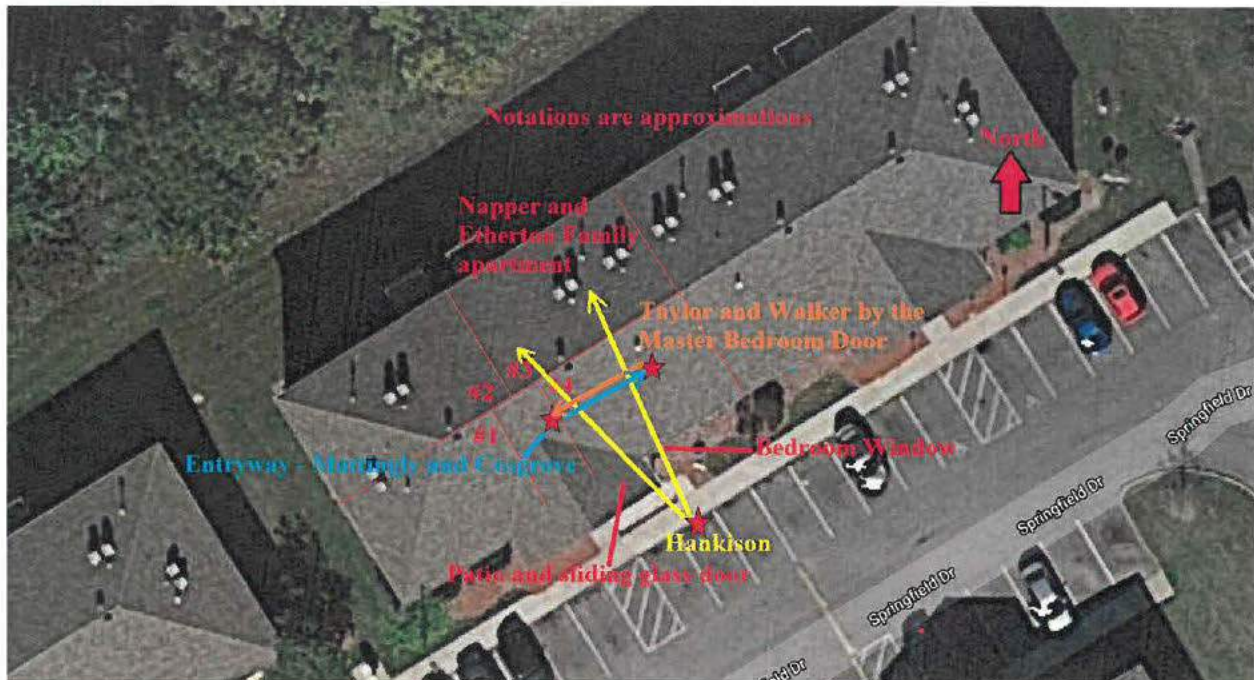
hospital. During this conversation, Detective Hankison uttered, referring to the shooter, that “HE” was in a crouched position, like a combat position, and was holding a rifle firing at them as the door opened, suggesting a believe the shooter was male. This resonated with the Former Chief because it was in contradiction to what he had been told previously by Lieutenant Skaggs (lines 147-158 of Former Chief Conrad’s transcribed interview with PIU). No other witnesses stated the shooter was in a prone position either. Sergeant Mattingly even specified he was in a “weaver stance” with his arms fully extended, similar to his own stance (lines 775-777 of Sergeant Mattingly’s transcribed interview with PSU).

Projectiles traveling into other apartments:

The three officers fired a total of thirty-two rounds into the apartment. Sergeant Mattingly fired six, Detective Cosgrove fired sixteen, and Detective Hankison fired ten. Mr. Walker fired one round which struck Sergeant Mattingly’s left upper thigh. The opening of the hallway which was occupied by Ms. Taylor and Mr. Walker is approximately .901 meters wide (using the FARO Scene Scan measurement tool). This hallway opened wider near the end where the entrance to the bedrooms were and led to a wall directly at the end. Beyond this wall were two master bedroom closets surrounding a hallway leading to a half-bathroom/laundry area.



Rounds fired during the exchange sent projectiles into 3003 Springfield Drive #3, which is directly to the left of Ms. Taylor’s apartment when standing facing her front door from outside. This apartment was occupied by Ms. [REDACTED], Mr. [REDACTED], and Ms. [REDACTED] child. This was the direction Detective Hankison was firing from when he fired into the sliding glass door to the patio and into the bedroom window.



Two rounds were also fired into the ceiling of Ms. Taylor's apartment which traveled through 3003 Springfield Drive # [REDACTED] which is directly above Ms. Taylor's apartment. The projectiles traveled through the ceiling of the apartment and were not recovered. This was the apartment belonging to Mr. [REDACTED], where Mr. [REDACTED] was visiting during his confrontation with Detective Hankison. The rounds were directly in front of the entry door and between the entry and the hallway. The one nearest the entry is approximately 1.406 meters from the top of the door frame. The further is approximately 2.882 from the edge of the door frame (using the FARO Scene Scan measurement tool).



The path of Detective Hankison's round:

Sergeant Mattingly and Detective Cosgrove shot a total of twenty-two rounds from the same approximate area (the front entrance). This makes it difficult to track these to the individual (without ballistics confirmation). Detective Hankison's rounds are unique in that he fired from a different area and he fired through items (sliding glass door and window) marking the start of each projectile's path.

Through the sliding glass door –

The glass in the sliding glass door to the patio was shattered. However, Detective Hankison shot all five rounds through a screen which shows his shot pattern. Three of the projectiles traveled through the wall in apartment #4 and into apartment #3. Two of the projectiles entered apartment #3 through a clock on the wall. One entered through the actual clock face between "I" and "II", the other entered through the clock frame just outside of "VIII". The path of the one that entered through the clock face struck the wall above the sliding glass door. Its path ended there (this projectile was not recovered). The one that entered through the clock's frame struck the sliding glass door and was recovered in the pieces of shattered glass on the carpet. The third projectile entered through the wall near the dining table. This round struck the edge of the tabletop and was recovered from the table. The KSP Ballistics report identified those recovered projectiles as being fired by Detective Hankison.

Of the remaining two fired through the sliding glass door, one struck the dining room chair in apartment #4, which ended its path. A fragment of a projectile was on the carpet near the chair. The other entered the wall just above a piece of white decorative molding dividing the top half

and bottom half of the wall. The path of this projectile ended there. There are no further defects on the other side.

Through the guest bedroom window –

Sergeant Jason Vance of PIU mapped out in detail, the paths of the five rounds fired through the guest bedroom window in his document titled “PIU 20_019 Vance Initial Notification Response and Scen Letter.docx.” Two rounds entered the window and struck the wall (when looking at the room from the window, the wall to the right, behind where the door hits when it is opened completely) at an angle. The path from these projectiles ended inside the wall with no further defects on the other side. A third round struck a black dresser which was placed against the same wall the other two rounds entered. The projectile was recovered from the dresser drawer. A fourth round entered the hallway utility closet door. This projectile traveled through the shower wall on the other side. The Projectile ricocheted off the opposing wall and landed on a soap dish on the shower wall it came from. It was recovered from the soap dish. The KSP Ballistics report identified this recovered projectile as being fired by Detective Hankison.

The fifth projectile entered through the window frame, significantly lower than the others which passed through the glass. This projectile caused no further structural defects in its trajectory. However, the trajectory of this projectile is directly toward where Ms. Taylor’s feet were once she had collapsed. Ms. Taylor had an injury on her foot which, providing her positioning was similar, was not coming from the same direction as the other injuries. The entry was on the side of her right foot, on the same side as her fifth toe (pinky toe). There is an exit wound on the bottom of her foot, just under her first toe (the big toe). The “pinky toe” side of her right foot was facing the window, in the path of the trajectory from this projectile. Furthermore, there was a round lodged in the heel of her right foot as well. This round did not fully penetrate.

The involved officers’ behavior following the critical incident:

LMPD SOP 8.12.4 requires officer involved in use of force actions which result in death to be assigned an Escort Officer by his/her commanding officer. It is the responsibility of the Escort Officer to verify the officer is isolated from all non-essential individuals. This policy does not directly define “involved officers.” However, the first line of the section states, “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.” This suggests the meaning of “involved officers” to specifically refer to those who took the action resulting in the critical incident (the officer who used force or was driving in the case of a vehicular collision). This includes only Sergeant Mattingly, Detective Cosgrove, and Detective Hankison. There was an absolute necessity to isolate them. Lieutenant Hoover, Detective Nobles, Detective James, and Detective Campbell are crucial relevant direct witnesses, who absolutely need to be interviewed, but there is nothing in policy requiring their immediate removal, separation, or isolation.

Detectives Cosgrove and Hankison remained on scene performing various functions following their use of deadly force. Specifically, Detective Hankison remained involved in directing responding officers, taking Mr. Walker into custody, interfered with SWAT as they attempted to clear the apartment (having to be told to back out and reminded it is a crime scene by SWAT Sergeant Brandon Hogan), and he responded to University of Louisville Hospital to visit Sergeant Mattingly (who should have been isolated from contact with him at this point) (lines 464-486 of Detective Hankison's and lines 131-134 of Chief Steve Conrad's transcribed interview with PIU). Detective Hankison mentioned attempting to go into the apartment with SWAT (lines 410-442 of Detective Hankison's transcribed interview with PIU). He can be observed going into the apartment and asking questions on various SWAT members' WVS videos. He specifically spoke to Officer Marc Crawford, asking, "Is there anybody dead in there?" He then asked Sergeant Hogan about the presence of weapons/long guns and examined shell casing near the entry. Sergeant Hogan told him, "I'd back out until they get PIU in here. So..." (0:32:57 and 0:34:36 of Sergeant Hogan's WVS video).

While remaining on scene, Detective Hankison mentioned he shot through the sliding glass door and bedroom window to responding officers (this can be heard on Officer Porter Button's WVS video at 0:09:36). Also, as SWAT officers walked past the window, pointing the bullet holes out to each other, Officer Hankison saw them pointing to the windows and he gestured (raising his hand at the SWAT officers), suggesting he took ownership of those bullet holes (lines 423-436 of Sergeant Burns's transcribed interview).

It was not until Sergeant Luke Phan arrived and realized who was actually involved in the critical incident that the involved officers were separated/isolated (lines 183-213 of Sergeant Phan's transcribed interview with PIU and lines 25-34 of Sergeant Phan's transcribed interview with PSU). Shortly after separating them, Peer Support arrived. A Peer Support Officer was assigned to Detective Cosgrove. Detective Hankison went from the scene to the hospital.

Injuries:

Ms. Taylor –

According to the Medical Examiner Final Diagnosis Report completed by Dr. Jeffrey Springer, Ms. Taylor sustained (1) a penetrating gunshot wound near her upper left breast area (the direction of the projectile is front to back, downward, and minimally right, and a projectile was recovered in the subcutaneous tissue of the left middle back), (2) a penetrating gunshot wound near her right upper abdomen (the direction of the projectile is right to left and a projectile was recovered in the subcutaneous tissue of the right and left upper abdomen), (3) a perforating gunshot wound to her middle third of her anterior left forearm (the direction of this projectile was upward, front to back, and the projectile traveled upward and exited out of her upper arm, approximately 6 inches from her shoulder), (4) a perforating gunshot wound to the middle third

of her anterior left thigh (the direction of this projectile is upwards, slightly back, slightly left, and the projectile exited), (5) a perforating gunshot wound to her lateral right foot (the direction of this projectile is right to left and minimally downward), (6) a firearm projectile was recovered from the skin of the right heel. Ms. Taylor also had an injury on the left side of her chin. Ms. Taylor died on scene shortly after being shot. Mr. Walker sustained no injuries.

As discussed above, three projectiles were recovered from Ms. Taylor's body: two from the torso and one from her right heel. During the Attorney General's press conference on September 23, 2020, he explained the fatal shot was the one above her upper left breast. The FBI Ballistics report shows Detective Cosgrove fired this shot (lines 115-127 of the transcribed press conference given by Attorney General Daniel Cameron). According to sworn testimony given by Detective Greg Wolf, of the Office of the Attorney General, during the Grand Jury presentation, the FBI Ballistics report also confirmed the projectile in Ms. Taylor's abdomen was also fired from Detective Cosgrove's gun. Mr. Cameron explained the KSP Ballistics report to have been inconclusive. As a note, I was granted access to the FBI Ballistics Report the day prior to turning this case in. I was able to confirm the sworn testimony regarding these facts from the source. The full FBI Ballistics Report is included with my case file.

The shot above her left breast was mostly straight, front to back, and slightly downward, meaning she was facing her shooter when this projectile struck her. The one in her upper right abdomen traveled right to left, which means her left side was away from the shooter; her left side toward the wall behind her, bringing her right side forward toward the shooter. When her body came to rest on the ground, her upper body was turned to where she was laying on her right shoulder and her left side was facing upward. Upon her collapse, Ms. Taylor's feet were directed toward the entry way where Sergeant Mattingly and Detective Cosgrove had fired from, and her upper body was directed toward the wall behind her. Two of the projectiles which traveled through Ms. Taylor (through her left forearm and left upper thigh) became lodged in the wall behind where she was standing. These projectiles were removed during the FBI investigation and examined by the FBI Crime Lab. One of the projectiles removed from inside the wall behind Ms. Taylor was fired from Detective Cosgrove's gun. The other was fired from Sergeant Mattingly's gun. Both projectiles had female DNA present, meaning they had traveled through Ms. Taylor prior to striking the wall (the Mattingly projectile is lines 2061-2067 and the Cosgrove projectile is 2073-2081 of Detective Greg Wolf's transcribed Grand Jury presentation. Audio is "BT Sept. 23 – 1.mp3").

Sergeant Mattingly –

The U of L report completed by Dr. Frank Wood states Sergeant Mattingly sustained extensive internal injury to the femoral artery. The projectile entered his left anterolateral upper thigh and exited the perineum.

Mr. Walker stated he “aimed downward” (line 713 of Mr. Walker’s first transcribed interview with PIU) which is how the projectile struck Sergeant Mattingly’s leg. Documentation prepared by Dr. Bill Smock show the exit wound in Sergeant Mattingly’s perineum to be slightly higher than his entrance wound in the front of his upper thigh, as if to have been from a trajectory angled upward.



Bullet severed the left
Superior Femoral Artery

Bill Smock, MD

It is accurate, if Sergeant Mattingly’s leg was straight, with no bend in the knee, the angle of the projectile would have had to have been coming in from a lower angle to have traveled upward. However, police are trained to bend their knees, in a slightly squatted position, dropping their center of balance to create a more stable platform when maneuvering tactically or shooting. According to the Weaver Stance shooting position, Sergeant Mattingly’s left leg (on the “support side”) would have been forward, facing the target, with his right leg (on the “strong side”) slightly back, creating a wide balanced base. This would have made a trajectory from straight-on have an upward angle when the bent leg was in a straight/vertical position. In the photo below, the figure on the right is the figure to be considered. Although the distances and trajectories are not exact nor to scale, I wanted to have this shown to exhibit this point. Mr. Walker was shooting from a distance far greater than shown here. The purpose of this is to show how a downward shot from a distance can appear to have an upward angle when a bent leg is shot.



As you can see, there is a slightly aimed downward trajectory from a shooter (as Mr. Walker explained he shot) approximately twice the distance shown (the space in the photo is an approximation of the size of the living room area, doubling this area is approximately the distance to the end of the hallway). The symbols show where the entry and exit would be. As the leg is shown bent, the exit is slightly lower than the entry.



The same photo was rotated, using a grid (shown), to show the upper thigh is at a vertical angle. As you can see, when the leg is straightened, completely vertical, the entry wound is at a lower angle than the exit. Whereas above when the leg was bent toward the subject, the entry wound was at a higher angle than the exit.

Sergeant Mattingly's entry wound is unusual in that there is bruising surrounding the puncture. Usually a projectile penetrates the skin cleanly with a clear round hole rather than causing bruising, suggesting non-penetrating blunt force. When the projectile struck Sergeant Mattingly, prior to entering his leg, it passed through his wallet, which was placed in the front left pocket of his pants. Sergeant Mattingly's wallet was leather with a metal clip in the middle. The round passed through the upper corner of the wallet where the metal clip was, causing blunt force upon impact.



The appearance of the 9mm projectile which struck Sergeant Mattingly was disputed due to its irregular shape. The projectile did not expand or "mushroom" in a manner which is usually expected from jacketed hollow-point (JHP) projectiles. Instead, it appears to have swelled with the tip remaining inward rather than expanding outward. This caused speculation of the bullet being a full metal jacket round as opposed to a jacketed hollow-point round, which Mr. Walker had loaded in his gun. Below is the projectile. It is labeled "65" by the LMPD Crime Scene Unit.



The KSP Ballistics Report shows an examination of this projectile. KSP assigns their own item numbers and they have an attached list showing the number they assign with the corresponding LMPD item number in parentheses.

Item **39 (65):** One bullet

Received on: 04/10/20

Below are the results of the KSP Ballistics report regarding this item. The "Nose Configuration" is listed as JHP (Jacketed Hollow-Point).

BULLET DATA: ITEM 39	
Marked in Laboratory:	20J1677 #39 swh
Diameter:	0.357"
Caliber Class:	38 / 9mm
Weight (grains):	147.38
Likely Original Weight (grains):	147
Likely Cartridge:	9mm Luger
Nose Configuration:	JHP
Base Configuration:	Convex, enclosed
Apparent Composition:	Copper jacket, lead core
Cannelure:	None observed
Brand:	Remington Express Subsonic likely
Visible Rifling:	Parts of all
Rifling Pattern:	6 Right polygonal
Land Imp. Width:	n/a
Groove Imp. Width:	n/a
Condition:	Fair, slightly mushroomed nose
Trace Material:	Possible biological material (blood?), unknown white material in nose
Sub-Class Potential:	None observed
Identification Value:	Low, few markings of comparative value
Remarks:	Measurements are approximate for classification purposes only



PROFILE

I cannot provide specific reasons for the deformed shape of the projectile. I can explain the projectile traveled through leather, multiple plastic credit cards, cash, and struck a metal money clip before entering Sergeant Mattingly's leg.

Although the projectile is listed as having "few markings of comparative value", the 9mm shell casing had "several markings of comparative value" and was identified on the KSP Ballistics report as having been fired from Mr. Walker's gun.

Lastly, Sergeant Mattingly was shot at the entrance of Ms. Taylor's apartment. However, there was no blood found in this area. Sergeant Mattingly was wearing Wrangler Outdoor pants. These pants have a black fleece-like polyester inner lining and a gray exterior layer containing 94% nylon and 6% spandex. The exterior was made for durability while the inner lining was to provide warmth. The photographs clearly show his pants and undergarments were saturated with blood. The blood was soaked into the fabric until he retreated away from the entryway. Sergeant Mattingly's blood was saturated in his clothing, in the parking spaces in front of the patio, and on the Detective Cosgrove's Nissan Altima.



Lighting in the apartment:

Regarding the lighting in the apartment. Detective Cosgrove spoke in detail about there being absolutely no light in the apartment. He stated no ambient light of any kind, it is completely dark (lines 654-662 of Detective Cosgrove's transcribed interview with PIU). Detective Hankison also mentioned seeing "darkness" in the apartment (line 230 of Detective Hankison's transcribed interview with PIU). Sergeant Mattingly mentioned, while performing his surveillance, Detective Campbell noticed light in the bedroom, the TV (lines 579-581 of Sergeant Mattingly's transcribed interview with PIU). Detective Campbell also noted this observation during his interview (lines 118-120 of Detective Campbell's transcribed interview with PIU). Sergeant Mattingly stated there was enough light where he could see Mr. Walker and see the handgun in his hand (lines 766-772 of Sergeant Mattingly's transcribed interview with PIU).

PIU's investigation determined the TV in the master bedroom was on, providing minimal light to the area Mr. Walker and Ms. Taylor were standing at the time the door was breached. The TV in the master bedroom is still on in the photographs (it can be seen showing "The Cloverfield Paradox" in photo K3D1O0HB.JPEG). Additionally, in the photographs taken by the Crime Scene Unit, the light on the ceiling in the hallway where Ms. Taylor is observed on the ground is illuminated. The lights are on in the kitchen and dining area as well. The first officers to enter the apartment following the shooting were SWAT officer Lead by Sergeant Joel Casse. It is clear these lights were not on when Sergeant Casse first made his observations through the open front door (0:28:05 of Sergeant Casse's WVS video). However, the ceiling fan light in the master bedroom is on. Prior to making entry in through the front entrance, Sergeant Casse slowly "cuts the pie" while using short bursts of light from his weapon mounted light. As his view reaches the area where Ms. Taylor is positioned, his light is off, and the shape of the door is illuminated on the left wall. You can see this lighted shape near the doorframe in the screen shot below (taken from Sergeant Casse's WVS video at 0:28:02). This lighting can also be easily observed on SWAT Officer Robert Krugler's WVS at 0:08:04 (the WVS video titled "SPRINGFIELD(1).mp4"). While clearing the apartment, SWAT located the 9mm Glock handgun under a bed in the extra bedroom (Crime Scene Unit Technician Gutterman processed the gun and magazine for latent prints obtaining no latent prints, documented on "PIU 20-019 80-20-017048GUTT.docx")

The fact that the master bedroom light was on upon SWAT making entry does not prove whether the light was on or off at the time of the breach and use of deadly force. Mr. Walker specified the light in the master bedroom was off at that point (lines 311-312 of Mr. Walker's first transcribed interview with PIU). Following the shooting, the officers retreated, leaving Mr. Walker in the apartment. Although the placement of the gun in the secondary bedroom proves Mr. Walker was present there, he had a great deal of time to go into various rooms and alter the lighting from the original condition during the shooting.



Sergeant Casse "cutting the pie" at the entrance. The light from the master bedroom can be seen just left of the right exterior doorframe projecting onto the wall.



Officer Krugler upon dynamic entry. The living room is illuminated by SWAT's weapon mounted lights. The soft warm light at the end of the hall is the ceiling fan light from the master bedroom.

Also, regarding available lighting, of the seven officers involved in the service of this search warrant, four had weapon mounted lights (documented during the PIU round count and in

photographs of the weapons). Sergeant Mattingly, Detective Hankison, Detective James, and Detective Campbell all had weapon mounted lights. Lieutenant Hoover, Detective Cosgrove, and Detective Nobles did not. Sergeant Mattingly recalled, during his interview with PSU, there were three lighting sources shining into the apartment. The television in the master bedroom dimly illuminated the far end of the hall. The light outside of the apartment, in the breezeway, shined into the living room area. There was additionally an unknown officer using a flashlight or weapon mounted light (lines 706-732 of Sergeant Mattingly's transcribed interview with PSU).

Mr. Walker being given the impression this was a misunderstanding:

During his interview, Mr. Walker went into detail about being led to believe the encounter was a misunderstanding/mistake by a nice and apologetic plainclothes officer (lines 1309-1313 of Mr. Walker's first transcribed interview with PIU). The encounter occurred as he was being transported by Officer Shaw. She was asked to pull over and wait in a parking lot, where this plainclothes officer met with them. He continually referenced this encounter, being certain the officer had revealed there to have been a misunderstanding or mistake regarding the officers being at Ms. Taylor's house in the first place.

This contact was captured by Officer Shaw's WVS video at 0:11:29. She was instructed to pull over and wait by Sergeant Anthony Wilder of PIU on the radio (at 0:04:39 of Officer Shaw's WVS video). She pulled over in a parking lot at St. Andrew's Church Road and Windemere Drive. Sergeant Wilder approached the car and asked Officer Shaw to roll Mr. Walker's window down. Sergeant Wilder said, "Hey partner, what, what, can I get your name? Kenneth Walker? Man, uh, there's a little bit of miscommunication, I wanted to talk to you before they left. So, uh, I just, uh, wanted to touch base with you so you kinda had an idea of what's going on, okay? Because I think you've got a lot of questions, about everything. So, um, if it's okay with you we're gonna take you back to our office, interview you, uh, get your account of what happened, and then, uh, we, we'll see where it's gonna go from there, okay?" (0:11:35 of Officer Shaw's WVS video) That is when Mr. Walker asked if Ms. Taylor was dead and he replied, "Well, that's something we'll talk about at the office, okay?"

The miscommunication was, PIU wanted to speak to Mr. Walker prior to him being transported to the PIU Office. Officer Shaw simply left the scene with Mr. Walker prematurely. This was not a miscommunication in reference to the shooting.

Mr. Walker was also confused due to being asked if there was a white male in the apartment. Mr. Walker was asked this by Detective Cole Gibson (0:22:40 of Officer Corey Russell's WVS video), while he was inside Officer Shaw's patrol car, prior to leaving Springfield Drive. This led him to believe the police were actually looking for a white male and they were at the wrong apartment (lines 207-211 of Mr. Walker's third transcribed interview with PIU). This confusion was due to Officer Philip Renaud, in the rear of the apartment, confronting Mr. [REDACTED]

through the shattered sliding glass door. Officer Renaud did not realize this was apartment #3, not the apartment where the incident occurred. Officer Story transmitted this encounter with the white male over the radio. This white male Detective Gibson asked Mr. Walker about was Mr. [REDACTED]

Wearable Video Systems:

There was no WVS video recorded of the breach or use of deadly force. At this time, certain investigative units were not routinely issued WVS cameras due to the covert nature of their investigations. However, Detectives Cosgrove (Axon Flex 2 Serial Number X83056672, assigned on May 16, 2018), Hankison (Axon Flex 2 Serial Number X83057232, assigned on July 19, 2019), Campbell (Axon Flex 2 Serial Number X83046071, assigned on January 9, 2018), and James (Axon Flex 2 Serial Number X83045906, assigned on June 4, 2019) had WVS assigned to them at the time of the shooting. In the photographs taken of Detective Cosgrove, you can see the mount/clip on his tac vest. Detective James had his full camera system on his tactical vest. The camera is on his right shoulder. Lieutenant Hoover was not assigned a WVS until May 27, 2020 and Detective Nobles was not assigned a WVS until May 29, 2020.

Prior to March 13, 2020: Detective Cosgrove's last video uploaded was recorded on March 11, 2020, at 2022 hours. Detective Hankison's last video uploaded was recorded on March 5, 2020, at 1826 hours. Detective Campbell's last video uploaded was recorded on January 29, 2020, at 2009 hours. Detective James's last video uploaded was recorded on March 12, 2020, at 1235 hours.

Although, as mentioned above, CID members were not routinely issued WVS. CID was created combining other pre-existing investigatory units, Narcotics and the 9th Mobile. The Operations Manual for CID was revised on July 1, 2020. There was not an Operations Manual for the unit prior to this, so I examined previous Operations Manuals for the Narcotics Unit and the 9th Mobile. The 9th Mobile Operations Manual does not discuss use of WVS. Additionally, the 9th Mobile Detectives were routinely issued the equipment and were obligated to use the equipment as directed by LMPD policy. The Operations Manual for the Narcotics Unit (from the effective date of July 18, 2019) addressed WVS with little variation to the LMPD policy. There are no additional prohibitions listed for the use of the equipment specific to the covert nature of the investigations. The Operations Manuals for these units are included on the portable hard drive accompanying this case file. Additionally, page 19 of the Narcotics Division's Operations Manual is printed and included in the case file in the "SOP" section. Page 19 contains 1.5.10, the Wearable Video System procedures. This is the only part of this Operations Manual which mentions WVS or Wearable Video System.

Detective Michael Nobles was initially listed as accused of an allegation of a violation of the WVS policy on the September 1, 2020 Addendum to the Chief's Initiation. Through this

investigation, I was able to determine Detective Nobles was not assigned a WVS at the time of the incident. Therefore, there is no allegation of a violation of this policy against Detective Nobles. He was removed from the accused on the November 9, 2020 Addendum.

Recovered projectiles:

Of the thirty-two projectiles fired by LMPD, twenty were recovered and discussed in detail during Detective Wolf's sworn testimony to the Grand Jury on September 23, 2020. This sworn testimony has been transcribed and is in the case file in the section labeled "AG Detective Greg Wolf from Grand Jury." These projectiles are as follows (all citation notes are from Detective Greg Wolf's transcribed Grand Jury presentation. Audio is "BT Sept. 23 – 1.mp3"):

1. Projectile recovered on the carpet in the hallway marked "42" in the crime scene photos, by Ms. Taylor's feet. Recovered by LMPD Crime Scene Unit. This was identified as having been fired by **Detective Cosgrove**. (lines 1343-1362)
2. Kitchen bullet 1: Through the cabinet into a pot. Recovered by LMPD Crime Scene Unit. Inconclusive on who fired this projectile. (lines 1441-1453)
3. Kitchen bullet 2: Through the cabinet into the stove. Recovered by LMPD Crime Scene Unit. Inconclusive on who fired this projectile. (lines 1470-1484)
4. The guest bedroom (Breonna's sister's room) 1: The dresser drawer. Recovered by LMPD Crime Scene Unit. Inconclusive on who fired this projectile. (1577-1604)
5. The guest bedroom (Breonna's sister's room) 2: The closet. Recovered by LMPD Crime Scene Unit. Inconclusive on who fired this projectile. (1624-1640)
6. The master bedroom closet (through the hallway wall where Ms. Taylor was shot – one of the three holes in the back wall): Inside the shoebox. Recovered by LMPD Crime Scene Unit. Inconclusive on who fired this projectile. (1642-1672)
7. Hallway bathroom soap dish: Recovered by LMPD Crime Scene Unit. This was identified as having been fired by **Detective Hankison**. (lines 1847-1897)
8. On the furnace in the utility closet in the hallway: Recovered by LMPD Crime Scene Unit. This was identified as having been fired by **Detective Hankison**. (lines 1899-1920)
9. Inside the dining room wall dividing apartment #4 and apartment #3: Recovered by the FBI. This was identified as having been fired by **Detective Hankison**. (lines 1986-1994)
10. The master bedroom (Breonna Taylor's room) 1: From inside a side wall. Recovered by the FBI. This was identified as having been fired by **Detective Hankison**. (lines 1996-2012)
11. The master bedroom (Breonna Taylor's room) 2: From inside a side wall. Recovered by the FBI. This was identified as having been fired by **Detective Hankison**. (lines 2014-2025)
12. Inside the living room wall: Recovered by the FBI. This was identified as having been fired by **Sergeant Mattingly**. (lines 2027-2039)

13. Inside the back wall in the hallway (behind where Ms. Taylor was shot) 1: Recovered by the FBI. This was identified as having been fired by **Sergeant Mattingly**. Additionally, **female DNA** was present on this projectile. (lines 2061-2067)
14. Inside the back wall in the hallway (behind where Ms. Taylor was shot) 2: Recovered by the FBI. This was identified as having been fired by **Detective Cosgrove**. Additionally, **female DNA** was present on this projectile. (lines 2073-2081)
15. Inside the walls of the hallway 1: Recovered by the FBI. This was identified as having been fired by **Detective Cosgrove**. (lines 2140-2148)
16. Inside the walls of the hallway 2: Recovered by the FBI. This was identified as having been fired by **Detective Cosgrove**. (lines 2150-2157)
17. Another inside the living room wall: Recovered by the FBI. This was identified as having been fired by **Detective Cosgrove**. (lines 2172-2183)
18. From the heel of Ms. Taylor's right foot: Recovered by the medical examiner during the autopsy. Inconclusive on who fired this projectile. (2236-2244)
19. From Ms. Taylor's chest: Recovered by the medical examiner during the autopsy. This was identified as having been fired by **Detective Cosgrove**. (lines 2385-2429)
20. From Ms. Taylor's abdomen: Recovered by the medical examiner during the autopsy. This was identified as having been fired by **Detective Cosgrove**. (same lines as above 2385-2429)
21. Not discussed during this presentation, but evidence exists – Apartment #3 on the carpet in front of the sliding glass door: Recovered by LMPD Crime Scene Unit. This projectile was not identified by examination, however from direction and trajectory, this projectile was fired by **Detective Hankison**.
22. Not discussed during this presentation, but evidence exists – Apartment #3 on the dining room table: Recovered by LMPD Crime Scene Unit. This was identified as having been fired by **Detective Hankison** (on the KSP Ballistics Report).
23. Not discussed during this presentation, but evidence exists – Apartment #3 in the wall above the sliding glass door: Not recovered. This projectile was not identified by examination, however from direction and trajectory, this projectile was fired by **Detective Hankison**.
24. Not discussed during this presentation, but evidence exists – Apartment #4 on the carpet in front of the dining room chair: Recovered by LMPD Crime Scene Unit. This is a fragment. This projectile was not identified by examination, however from direction and trajectory, this projectile was fired by **Detective Hankison**.
25. Not discussed during this presentation, but evidence exists – The first fired into the ceiling of apartment #4 and through apartment #8: Not recovered.
26. Not discussed during this presentation, but evidence exists – The second fired into the ceiling of apartment #4 and through apartment #8: Not recovered.

27. Not discussed during this presentation, but evidence exists – There were two projectiles recovered from inside the wall of the living room by the FBI. There appear to be three bullet holes in this wall from the crime scene photographs.
28. Not discussed during this presentation, but evidence exists – There was a third projectile fired into the kitchen. This round went into a tall cabinet near the wall furthest from the entry door. This projectile entered the tall cabinet, went through a box of Quaker Instant Grits and Fruity Pebbles before exiting the cabinet into the wall it is mounted on.

The remaining four projectiles are not known.

The conclusion of the event:

At the conclusion of this event, a Public Integrity Unit (PIU) investigation took place (PIU Case 20-019). Lieutenant Les Skaggs completed an administrative incident report (Blue Team Report) regarding the use of force. Lieutenant Joel Phillips completed an administrative incident report (Blue Team Report) regarding the forced entry. Following being questioned by PIU, Mr. Walker was arrested and charged with Attempted Murder of a Police Officer (20-F-002767). Mr. Walker was indicted by a Grand Jury on March 19, 2020 (20-CR-00767). Two Incident/Investigation Reports were completed by PIU. One of the reports is regarding Attempted Murder on Sergeant Mattingly (80-20-017048) and the other the death investigation for Ms. Taylor (80-20-017049). On March 22, 2020, Commonwealth's Attorney, Tom Wine, moved to fully dismiss the charges against Mr. Walker, without prejudice. During a press conference following the announcement of the charges being dropped, Commonwealth's Attorney, Tom Wine said, "more should have been presented to the Grand Jury" and "I believe that additional investigation is necessary."

On April 15, 2020, the executrix of Ms. Taylor's estate, Ms. Tamika Palmer, Ms. Taylor's mother, retained Attorney Sam Aguiar and filed a civil lawsuit, listing Brett Hankison, Myles Cosgrove, and Jonathan Mattingly as defendants. A settlement was reached between Louisville Metro Government and Ms. Taylor's estate on September 15, 2020.

On September 2, 2020, Mr. Walker retained Attorneys Fredrick Moore III, Steven Romines, and Kevin Burke and filed a civil lawsuit, listing the Commonwealth of Kentucky, Louisville/Jefferson County Metro Government, Louisville Area Government Self Insurance Trust, Mayor Greg Fischer, and multiple members of the Louisville Metro Police Department as the defendants. This lawsuit is currently ongoing.

Detective Hankison was terminated from the Louisville Metro Police Department on June 19, 2020.

On September 23, 2020, the Grand Jury indicted Mr. Brett Hankison on three counts of Wanton Endangerment 1st Degree (20-CR-001473). This case is currently ongoing. Sergeant Mattingly and Detective Cosgrove were not indicted on any charges. The Attorney General stated, “our investigation found that Mattingly and Cosgrove were justified in their use of force after having been fired upon by Kenneth Walker.” (lines 133-136 and 171-175 of the transcribed press conference given by Attorney General Daniel Cameron on September 23, 2020) This statement did not address the fact that the recipient of the deadly fire was Ms. Taylor, not Mr. Walker.

On October 21, 2020, Good Morning America published an interview with Sergeant Mattingly. <https://abcnews.go.com/US/breonna-taylor-now-attached-rest-life-sgt-jon/story?id=73713345> In his interview with Mr. Michael Strahan, he clearly articulated clearly seeing Mr. Walker pointing a gun at him and shooting.

On October 29, 2020, WDRB released a story regarding two rifle shell casings being found inside and outside 3003 Springfield Drive #4. https://www.wdrb.com/in-depth/attorney-general-rifle-casings-found-inside-and-outside-breonna-taylors-apartment/article_97f66832-1a11-11eb-8190-4bb6059664e6.html The Notice of Exculpatory Evidence submitted by Attorney General, Daniel Cameron, shows one casing was found by Ms. Juniyah Palmer, who stayed in Ms. Taylor’s guest bedroom, behind a storage chest in her bedroom. Ms. Palmer gave the casing to Mr. Sam Aguiar and he turned it over to the FBI. Another rifle shell casing was located by Mr. [REDACTED] in the parking lot outside of the apartments. This casing was turned over to the Office of the Attorney General and given to the FBI as well.

CONCLUSIONS

The Events on Springfield Drive

Sergeant Jonathan Mattingly and Detective Myles Cosgrove

LMPD SOP 9.1.3 De-Escalation for both

Exonerated

LMPD SOP 9.1.13 Use of Deadly Force for Sergeant Mattingly

Sustained

LMPD SOP 9.1.13 Use of Deadly Force for Detective Cosgrove

Sustained

Re: Attempts to utilize de-escalation techniques prior to resorting to a higher level of force for Sergeant Mattingly and Detective Cosgrove.

This situation was dynamic and immediately upon entry presented grave danger to each officer present. As the door was breached, Mr. Walker fired his handgun at who he claims to have believed to be intruders. This immediately eliminated the ability to slow the momentum of the event and plunged the officers into the necessity to evaluate the need to use deadly force in protection of themselves against the threat or withdraw and take cover.

This policy requires an officer to, when reasonable under the totality of the circumstances, employ several techniques to attempt to de-escalate the situation prior to using force. Regardless of his reasons, Mr. Kenneth Walker resorted to the use of his handgun against the officers, escalating to deadly force immediately before the officers had an opportunity to utilize de-escalation techniques.

Sergeant Mattingly and Detective Cosgrove both recognized this during their interview and added the span of time where knocking and announcing was performed as de-escalation (lines 966-977 of Sergeant Mattingly's and lines 820-841 of Detective Cosgrove's transcribed interview).

Due to immediately being under fire from Mr. Walker upon breach, I do not find it to have been reasonable under the totality of these specific circumstances, for the officers to have used de-escalation techniques. Regarding this policy, I find their actions to have been lawful or proper. I recommend an allegation of a violation of LMPD SOP 9.1.3 De-Escalation be **EXONERATED** for **Sergeant Jonathan Mattingly and Detective Myles Cosgrove**.

Re: The use of deadly force by Sergeant Mattingly resulting in striking Ms. Breonna Taylor.

There are four shooters in this incident. Of these four shooters, the testimony is given with varying degrees of clarity because of each individual's state of mind and each individual's degree of actual cognizant observation. Regardless of this, the testimonial evidence provided by these individuals is not conflicting. Their individual accounts, although told differently, tell a consistent chain of the actual events which is comparatively logical considering the physical evidence.

Mr. Kenneth Walker shot first according to all accounts of the events. Mr. Walker got dressed and armed himself when Sergeant Mattingly began knocking on the apartment door. He stated consistently, he fired believing someone was breaking in. Regardless of his reason for firing, it is a fact which is undisputed, Mr. Walker fired first, and he fired immediately when the door was forced open and Sergeant Mattingly entered. He fired at a slightly downward angle, making his projectile strike Sergeant Mattingly in the leg rather than his torso.

Mr. Walker stated he fired in protection of the residence he and Ms. Taylor were occupying. On the contrary, the officers had a legitimate legal reason for entering the residence due to a signed search warrant, which not only legally authorized their presence and entrance into the residence, it authorized their entrance without knocking and "commanded" them to search the premises ("you are commanded to search the premises" is a quote taken from the first page of the Search Warrant document). This presented great conflict and extreme danger for all involved.

Regardless of his reasoning, by presenting a handgun, aiming, and firing, Mr. Walker immediately posed an absolute threat of critical injury or death to every person near the entrance of the apartment. The presentation of this threat, on its own, regardless of the infliction of injury, provided a reasonable justification for the people at the entrance to use deadly force in self-defense against the threat. The conflict is that the person who presented the threat was not shot. Ms. Breonna Taylor sustained multiple gunshot wounds, one of which killed her. Above, there is evidence presented of Sergeant Mattingly's and Detective Cosgrove's projectiles striking Ms. Taylor.

I am tasked with applying the intricacies of this complex event to the specific words of the Use of Deadly Force policy. The specific sentence which is most appropriately applicable to the intricacies of this event is this: "Deadly force is authorized in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury to the officer or to another person." These are the words without individual interpretation or influence of opinion. Law and Case Law precedents may provide defense and various considerations to be made regarding criminal prosecution, but the words of this policy are specific and provide clarity to complex circumstance. The words of this policy do not allow deviation or excuse regardless of reasoning or circumstance. This sentence specifies the officer must reasonably believe that the person against whom the force is used poses an immediate threat of death or serious injury. This policy does not say an officer shall "direct" or "aim" force "toward" the threat or in the "direction" of a threat, nor does it say an officer must "intend" to use the force against the threat. Based on the verbiage of this policy, intention and direction are not factors to be considered. The factor is, regardless of intent or direction, the recipient of the force used. The force must be used on the specific person described as posing an immediate threat of death or serious injury to the officer or to another person.

The deadly force was intended to have been used on Mr. Kenneth Walker because Sergeant Mattingly clearly and correctly identified him as a threat. However, Ms. Breonna Taylor was the recipient of deadly force. Regardless of reasonable explanation why (movement, darkness, injury, etc.), the force was used against her. She was not once identified as being perceived to have posed a threat to anyone throughout the interviews or in examining all the evidence.

The words of this policy are in place to prevent what happened from happening. Training is provided to assure an officer's ability to be in compliance with this policy regardless of complex circumstance. Officers are taught specific firearms principles to protect a person who is not posing a threat from being stuck by gunfire. These principles include "target identification" and "target isolation." This was described by Lieutenant Stephen Lacefield, the Commander of the Firearms Training Center, as the following:

Target Identification – “identifying the threat, identifying that it is a threat, uh, the elements for using deadly force must be met per law and policy. Um, once you've identified that person, even identifying the person in and of themselves you have to make an accurate shot. Uh, we're trained to shoot center mass.” (lines 313-134 of Lieutenant Lacefield’s transcribed interview with PSU).

Target Isolation – “make - know your - what's in front of your target and what's behind your target and what is around your target. Um, so that I can place accurate rounds without placing others in unnecessary - unnecessary jeopardy.” (lines 149-155 of Lieutenant Lacefield’s transcribed interview with PSU).

When asked what if an officer can’t achieve one of these principles, Lieutenant Lacefield stated, “if they had knowledge or were aware of a target moving into that proximity then we would not want them to shoot. We don't want them to shoot to injure bystanders at any point. But it's not unrealistic for that to happen in the moment. Um, so if you have knowledge of it or if you're aware of it you don't take the shot. You move to a position of cover, um, and you hold your fire.” (lines 177-182 of Lieutenant Lacefield’s transcribed interview with PSU). When asked about an officer being accountable for every round fired, Lieutenant Lacefield stated, “each round that leaves your barrel you're accountable for that round and we want you to have sight picture and target identification and target isolation with every round fired. Not just want to but you’re required to.” (lines 203-209 of Lieutenant Lacefield’s transcribed interview with PSU).

Sergeant Mattingly had positive “target identification.” Factoring in that Sergeant Mattingly clearly identified the target/threat to have been standing shoulder-to-shoulder with another person, and factoring the likelihood of movement and the distance, it was not safe for Ms. Taylor for Sergeant Mattingly to have taken the shot. He did not have “target isolation”. There was a true significant risk of striking a person who did not pose an immediate threat of death of serious physical injury to anyone. Sergeant Mattingly did not have a clear/clean shot. His target/threat (Mr. Walker) was not isolated, therefore he should not have taken the shot.

Sergeant Mattingly described this scenario correctly during his interview with PIU stating when he saw Mr. Walker and Ms. Taylor, it was “almost like at the shootin' range where two - two things flip at the same time and you gotta shoot, no shoot. But, I mean, they were like shoulder-to-shoulder.” (lines 242-244 of Sergeant Mattingly’s transcribed interview with PIU) This was a real-life shoot/no shoot scenario. Both individuals were presented to Sergeant Mattingly at the same time, like two targets posted on a wall during a training scenario. One was armed and was immediately determined to have been a threat and the other was not. The unarmed individual was the one who was the recipient of the force.

During his interview, Sergeant Mattingly stated he believed Mr. Walker dove toward the bedroom, to the right from Sergeant Mattingly's perspective (lines 792-793 of Sergeant Mattingly's transcribed interview with PSU). It should be noted, from Sergeant Mattingly's perspective, Mr. Walker was on the right and Ms. Taylor was on the left. When Mr. Walker went right, toward the bedroom, he traveled away from Ms. Taylor, not toward her, nor in front of her, nor behind her. Sergeant Mattingly believed his projectiles struck the wall in the hallway on the right side (lines 815-816 of Sergeant Mattingly's transcribed interview with PSU). One of the two projectiles confirmed to have been fired by Sergeant Mattingly was recovered from the living room wall, just to the right of the hallway. Sergeant Mattingly did not know at the time of the interview, if any of his rounds struck Ms. Taylor (line 964 of Sergeant Mattingly's transcribed interview with PSU). When he was asked if he knew why Ms. Taylor was shot multiple times and Mr. Walker was not, he stated he could give me a theory (line 953 of Sergeant Mattingly's transcribed interview with PSU). I stopped Sergeant Mattingly from responding with his theory because this investigation must examine facts.

Because Sergeant Mattingly took this shot, the force he intended to use upon Mr. Walker (the threat) was used upon Ms. Taylor, who did not pose an immediate threat of death or serious physical injury to anyone. By failing to isolate the person who posed an immediate threat of death or serious physical injury, and firing regardless of this failure, striking a person presenting no perceived immediate threat, I find Sergeant Mattingly violated this policy. Ms. Taylor's safety should have been considered prior to Sergeant Mattingly returning fire at the threat, Mr. Walker. I recommend an allegation of a violation of LMPD SOP 9.1.13 Use of Deadly Force be **SUSTAINED** for **Sergeant Jonathan Mattingly**.

Re: The use of deadly force by Detective Cosgrove resulting in the death of Ms. Breonna Taylor.

Above, I have discussed the principles taught during firearms training which were applicable in my findings regarding Sergeant Mattingly. With Sergeant Mattingly, the principle of "target isolation" is applicable. With Detective Cosgrove, the principle of "target identification" is applicable. Detective Cosgrove shot sixteen times into a dark apartment without positively identifying a threat. Detective Cosgrove specified he knew Sergeant Mattingly had been shot and he did see a muzzle flash. He was correct in that there was a person who posed a significant threat of death or serious physical injury to anyone standing at the entry of this apartment. There was an absolute obligation and crucial necessity for Detective Cosgrove to determine who posed the threat before firing.

Along with the above discussion of the importance of "target identification" described by Lieutenant Lacefield, this issue was discussed by Sergeant Brandon Hogan, a Commanding Officer in the SWAT Team. Sergeant Hogan was speaking regarding the principles' application to Detective Hankison's behavior. However, what he said is applicable regardless. Sergeant

Hogan stated, “You’re - as you all know, you’re accountable for every round. Um, if you do not have good target ID, identification, and ID that they are a threat, you cannot shoot. Um, that was just - that’s basic academy stuff. Um, in regard to shooting through a window and stuff like that, we - even on, like, patrol or whatever - whatever position you may be in, you still cannot fire into an unknown. Um, you don’t know what’s behind it. You don’t know if there’s kids, there’s whatever, people that aren’t even - you know, that aren’t supposed to be there that are friends. Uh, you have to have good tag- target identification and to make sure that they are a threat before you can actually put rounds on that person.” (lines 598-607 of Sergeant Hogan’s March 20, 2020 transcribed interview with PIU).

During his interviews, Detective Cosgrove continually referred to a “shadowy figure” and seeing vivid flashing white light. Detective Cosgrove even was able to describe the figure to be a “wider” “larger than normal” human figure. He also made a statement expressing recognition of there being two figures, saying he saw a “tall human shape” and a “rounder shape connected to it.” (lines 684-701 of Detective Cosgrove’s transcribed interview with Detective Fogg).

Detective Cosgrove also was not able to articulate any actions or movements performed by the “shadowy figure(s)” which would indicate the figure presented a threat. The presence of a person alone does not indicate threat, even more so when there is evidence of multiple people. When asked about the figure’s hands and movements, Detective Cosgrove stated, “It’s – I am not seeing that kind of detail.” (lines 756-757 of Detective Cosgrove’s transcribed interview with Detective Fogg). This was clarified with more detail during Detective Cosgrove’s interview with PSU (lines 611-625 of Detective Cosgrove’s transcribed interview with PSU). The ability to make an accurate assessment of these details is crucial in making an accurate determination of if the person poses a threat.

Even immediately after shooting sixteen times into the apartment, striking Ms. Taylor, Detective Cosgrove could not identify or verify who had fired at them. After Mr. Walker was called out of the apartment and taken into custody in Detective Cosgrove’s presence, the dispatcher asked if the “10-15” (arrested person – Mr. Walker) could be verified as the shooter, Detective Cosgrove verbalized, “Negative. Unknown.” (0:13:47 of Officer Gida’s WVS video) Mr. Walker was the shooter. If Detective Cosgrove could not verify who shot, he cannot have known who or what the threat was, and he should have not engaged a target without identifying it as a threat.

As stated above, SOP 9.1.13 states, “Deadly force is authorized in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury to the officer or to another person.” To be compliant to this policy, a member must first be able to identify the threat. To do this, a member must be able to make an assessment as to how another person poses a threat prior to using deadly force. By failing to identify the person who posed an immediate

threat of death of serious physical injury and firing sixteen times into the dark apartment at a shadowy figure regardless of this failure, striking and killing a person presenting no perceived immediate threat, I find Detective Cosgrove violated this policy. I recommend an allegation of a violation of LMPD SOP 9.1.13 Use of Deadly Force be **SUSTAINED** for **Detective Myles Cosgrove**.

Investigator's notes: Ultimately, the wrong person was shot and killed. There are several contributing circumstances as to how this happened. All these circumstances are facts revealed through the investigation. It was dark at the far end of the hallway, Mr. Walker and Ms. Taylor were only illuminated by the soft glow of the television in the room next to them, Mr. Walker and Ms. Taylor were both dressed all in black, Mr. Walker quickly responded and took cover while Ms. Taylor froze in place, the hall was narrow and the two took up a majority of the space, violence was presented immediately, the officers experienced fear, tunnel vision, and adrenaline, Sergeant Mattingly suffered a life-threatening injury and had to act regardless, and all of this happened in a matter of seconds.

None of these circumstances change the concise words of the policy this event is to be held up against. Additionally, none of these circumstances change how crucial the preservation of human life is and the priority it should be provided. These officers had an obligation to act in protection of their own lives and an obligation to act in the protection of any other lives which did not present an immediate threat. Each of the circumstances listed add difficulty in shooting accurately and reduce the likelihood of success in the objective of stopping the threat with deadly force. Additionally, withdrawing to cover, would have created a higher degree of safety for the officers than engaging, because even provided the shots were accurate enough to strike the intended target, it would not mean the threat is immediately disrupted. There was an obligation by policy to only use deadly force against a person presenting an immediate threat. The officers could not safely take the shots given these circumstances. The officers did not safely take the shots and Ms. Taylor was struck and killed. Additionally, they took a total of thirty-two shots, when the provided circumstances made it unsafe to take a single shot. This is how the wrong person was shot and killed.

Detectives Michael Campbell, Myles Cosgrove, and Anthony James

LMPD SOP 4.31.5 Wearable Video System/Procedures for all three

Sustained

Re: Detectives Campbell, Cosgrove, and James's failure to utilize their assigned WVS equipment during the service of this warrant.

SOP 4.31.5 states, "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.)”

Although investigative units were not routinely issued this equipment at the time of this incident, this policy does not relieve an officer of the obligation to use the equipment based solely on the officer being in part of an investigative unit, if the officer has the equipment issued to them. There are three specific criteria listed in policy forbidding an officer to use their assigned WVS to record. These are: First – Activities of officers on federal task forces, Second – Activities of the Bomb Squad, Dignitary Protection Team, Hostage Negotiation Team, or SWAT command posts, and Third – Incidents where the Bomb Squad Commander, Hazardous Incident Response Team Commander, or chief fire official believes the use of the WVS may create danger of fire, explosion, or other risk to public safety. None of these excluding criteria were met.

It was common belief, detectives in investigative units, specifically narcotics-based units, have discretion to not utilize WVS while performing certain functions where LMPD SOP mandated the usage. This came up during Detective Cosgrove’s and Detective Campbell’s interview further expressing a belief of internal unit policy supporting this ability to make decisions to not use the equipment (lines 907-943 and 1147-1170 of Detective Cosgrove’s and lines 894-904 of Detective Campbell’s transcribed interview with PSU). This was detailed in my “Facts of the Case” section above, starting on page 40, in the section titled “Wearable Video Systems.” This common belief of discretion; however, is not supported by LMPD SOP nor the previous Narcotics or Ninth Mobile Division’s Operations Manuals. Despite the common belief, Detective James expressed recognition of an obligation to utilize the equipment, stating he believed he had activated him when preparing to serve the search warrant (lines 547-560 of Detective James’s transcribed interview with PSU).

I do not find this to be the proper way to utilize this equipment as dictated by policy. Detectives Campbell, Cosgrove, and James had an obligation by policy to have their WVS on them and recording during this law enforcement activity. By not having this equipment on them and activated, these detectives violated this policy. I recommend an allegation of a violation of LMPD SOP 4.31.5 Wearable Video System – Procedure be **SUSTAINED** for **Detectives Michael Campbell, Myles Cosgrove, and Anthony James**.

Lieutenant Shawn Hoover

LMPD SOP 8.12.3 Critical Incidents/Responsibilities of Commanding Officers Sustained

Re: Lieutenant Hoover’s failure to assign escort officers and verify proper crime scene maintenance.

There are several responsibilities listed in SOP which fall to a commanding officer during a critical incident. During his interview, Lieutenant Hoover stated the policy referred to “responding commanding officer,” (lines 415-430 of Lieutenant Hoover’s transcribed interview with PSU) however, SOP 8.12.3 clearly states, “Responsibilities of Commanding Officers.” This would have fallen to Sergeant Mattingly, had he not been one of the officers who used deadly force, or had he not been critically injured. This left Lieutenant Hoover as the only

commanding officer remaining to fulfil this obligation until more commanding officers responded. Additionally, this placed the role of Incident Commander on Lieutenant Hoover for this location.

It was Lieutenant Hoover's responsibility to do the following: Verify proper scene maintenance. Notify MetroSafe and appropriate support personnel. Gather basic information from the officers involved and start a preliminary investigation. Assign escort officers. Verify that the required forms are completed.

It should be noted, Lieutenant Hoover had a large degree of involvement in the critical incident, although he did not use force. Immediately following the use of force, Lieutenant Hoover took a crucial role in providing urgent care to Sergeant Mattingly. This entailed providing first aid and assuring Sergeant Mattingly made it to the ambulance despite the obstacle of the ambulance being on the wrong side of a locked gate. Lieutenant Hoover's actions spanned from using his belt as a makeshift tourniquet to picking Sergeant Mattingly up and carrying him over the damaged gate to get him to EMS personnel.

Following his success in getting Sergeant Mattingly safely placed in the care of EMS, Lieutenant Hoover returned to the scene where the ongoing event was still taking place. The most glaring leadership failure is that Detectives Hankison and Cosgrove, who were both involved in the use of deadly force, were still present at the scene performing law enforcement related duties.

By this time, an abundance of patrol officers from the 1st, 2nd, 3rd, 4th, and 7th Divisions had arrived. These officers had formed a perimeter around the apartment under the direction of Detective Hankison. Detective Cosgrove had also taken a position behind a vehicle, covering the apartment. Detective Hankison remained directly involved in the crucial task of calling Mr. Walker out of the apartment and taking him into custody.

It was Lieutenant Hoover's responsibility to remove Detectives Cosgrove and Hankison and assign an escort officer to them. The escort officer's responsibility would have been to verify that the officer is isolated from all non-essential individuals for the remainder of the initial investigation. Lieutenant Hoover's failure to perform this task allowed Detectives Cosgrove and Hankison to remain present at the crime scene and even allowed for Detective Hankison to leave the scene and go to the hospital where Sergeant Mattingly was being treated, prior to meeting with PIU for procedural processing. It was not until Sergeant Luke Phan arrived and realized which detectives were involved in the shooting that this function was performed.

Lieutenant Hoover stated he did not perform this task because he did not know Detective's Cosgrove and Hankison had used deadly force (lines 346-363 and 423-424 of Lieutenant Hoover's transcribed interview with PSU). This was apparent during his interview with PIU as

well (line 1120 of Lieutenant Hoover's transcribed interview with PIU). This information would have been apparent to Lieutenant Hoover if he fulfilled the responsibility of gathering basic information from the officers involved and started a preliminary investigation, which he did not.

Lieutenant Hoover's failure to perform the previously mentioned responsibility led to the failure of another responsibility: the verification of proper crime scene maintenance. Detective Hankison, being not assigned an escort officer, was able to interrupt SWAT during the performance of clearing/securing the apartment. While SWAT was completing this task, Detective Hankison twice approached and intervened. The first time, he approached Officer Marc Crawford at the entry door to the apartment. He asked, "Is anyone in here dead?" (0:08:19 of Officer Crawford's WVS video) He then walked away, only to return moments later. This time, he met Sergeant Brandon Hogan. Despite Sergeant Hogan standing at the doorway, Detective Hankison still entered the apartment. While inside the threshold, Detective Hankison examined shell casing and inquired about weapons or rifles located during SWAT's search (0:34:36 of Sergeant Hogan's WVS video). Prior to his inquiries, Sergeant Hogan instructed him, "I'd back out until they get PIU in here. So..." Detective Hankison should not have had this direct access to the crime scene when he was directly involved. Lieutenant Hoover was not aware of Detective Hankison's interruption of the SWAT team or his examination of the evidence (lines 457-462 of Lieutenant Hoover's transcribed interview with PSU).

The reason for the assignment of an escort officer ensure multiple important functions. The separation and isolation of involved witnesses ensures testimonial integrity during interviews and evidentiary integrity during their processing procedures with PIU and the Crime Scene Unit (CSU) and it ensures proper scene integrity. Escort officers and Peer Support also provides the required care, treatment, and grants consideration to the legal and administrative rights of the involved officer.

By failing to gather basic information, start a preliminary investigation, and assign escort officers as responsibilities of a commanding officer during a critical incident, Lieutenant Hoover created a circumstance which could have compromised the integrity of the crime scene and the processing of evidence from the involved officers. Additionally, the responsibility of the assignment of escort officers is to assist the involved officers in processing the trauma of experiencing this type of critical event. I find Lieutenant Hoover violated this policy by neglecting these duties. I do find a strong justification for his neglect of these duties is due to his focus and attention being directed to the immediate urgent care of Sergeant Mattingly and his belief of Sergeant Mattingly being the only one who used deadly force. Additionally, this was still an active scene with Detectives Cosgrove and Hankison performing necessary functions when Lieutenant Hoover returned from providing care to Sergeant Mattingly. There was not realistically an immediate opportunity to gather the necessary information from them while the event was still active and ongoing. I recommend an allegation of a violation of LMPD SOP

8.12.3 Critical Incidents/Responsibilities of Commanding Officers be **SUSTAINED** for **Lieutenant Shawn Hoover** because these tasks were not performed as required by the policy, but I recommend consideration be given to the reasons for his failure to perform the tasks given the importance of the task he was performing.

Sergeant Kyle Meany and Detective Wesley Barton

LMPD SOP 5.1.5 Truthfulness/Untruthfulness for both

Exonerated

Re: The creation/submission of the Risk Assessment Matrix, which appears to be deceptive by the omission of factors which would have mandated SWAT consultation for the service of the Search Warrant at 3003 Springfield Drive #4.

This allegation was originally placed against Detective Josh Jaynes, due to his role as the lead investigator and the lack of knowledge of who completed the form. Detective Goodlett's interview revealed the matrices for the full operation were completed by Detectives Barton and Campbell. This led to allegations, regarding the document, against both detectives. However, Detective Barton's interview, which was performed prior to Detective Campbell's, revealed he completed the Matrix for 3003 Springfield Drive #4. This positive identification of Detective Barton completing and submitting the document alleviated the allegation of misconduct regarding the submission of the document against Detectives Campbell and Jaynes.

Regarding this allegation, I am tasked with determining whether or not the Risk Assessment Matrix is a deceptive document. This task is paradoxical. To do this, I need to gather sworn testimonial evidence from the members who were present to witness the creation/preparation/submission of the document. These are the five members of the PBI. Of these five members, two face allegations from this investigation of being untruthful regarding the document and a third faces allegations from this investigation of being untruthful on a sworn document. Additionally, the factors being examined are subject to varying individual interpretations.

There are many complexities related to the Risk Assessment Matrix and the supporting policy. As mentioned above, in the section title "Issues with the Risk Assessment Matrix and the Search Warrant policy," there is a stated obligation to complete the form, but there is no specified person of accountability listed on the form or in the policy for the completion of the form. This makes it difficult to hold any specific individual accountable for the failure in this circumstance.

This is why the policy regarding Truthfulness/Untruthfulness was examined regarding the glaring inconsistencies on the document. This document has obvious and seemingly blatant omissions making the associated risk number low. The low risk number makes it potentially deceptive, in that it appears to have less risk associated with the service of the warrant than it

actually would have had, if the form was completed correctly. Additionally, it appears to not require SWAT consultation due to the low risk. This seemingly provides motive for the unit to keep the risk level low, due to the knowledge of SWAT being unwilling to perform an operation this widespread with this number of target locations simultaneously. Had this location not been performed simultaneously, there was a risk of losing the evidence the investigation found probable cause to believe was being kept at 3003 Springfield by Ms. Taylor (lines 764-784 of Sergeant Meany's transcribed interview with PSU).

This investigation must consider whether or not this document is intentionally deceptive, or the low associated risk level is the result of careless preparation or individual interpretation of a poorly conceived document and non-specific supporting policy. The first unchecked risk factor is "Multiple Suspects." As listed above in my "Facts of the Case" section titled "The exclusion of information mandating SWAT involvement on Springfield Drive #4" on page 10, the investigation strongly suggested Ms. Taylor's involvement in the trafficking of narcotics, by the KRS definition of "Trafficking," and she was listed by name on the warrant to be subject to a search. The Affidavit for Search Warrant also linked Mr. Adrian Walker to 3003 Springfield, who was a main target of the operation. It is impossible to arrive at a conclusion, based on the investigative steps being performed by these detectives, they did not believe Ms. Taylor had involvement and culpability in the criminal enterprise they were investigating. According to Detective Barton, Ms. Taylor was even observed during surveillance being present in her car outside of Mr. Glover's trap house on Elliott Avenue (lines 1331-1339 of Detective Barton's transcribed interview with PSU), on top of the detectives attempting to prove she had narcotics delivered to her house where she would possess them until transferring them to Mr. Glover for sell. Detective Barton suggested she may not have been aware of what the deliveries were, and she was potentially being used for this function by Mr. Glover unknowingly, however, during her interview, Detective Goodlett appeared with a large binder with a label suggesting it is about Ms. Taylor's involvement with Mr. Glover (this binder was not examined due to another investigation being conducted which may lead to allegations against Detective Goodlett regarding information contained in the binder). Detective Jaynes mentioned she was not listed as a suspect on the Operations Plan board, this is correct. I was not asking is she was a main target for the full operation. If the evidence there was probable cause to believe existed, based on the pieces of investigative information on the Affidavit for Search Warrant, was actually discovered at 3003 Springfield, Ms. Taylor would have possibly faced criminal charges (line 1081 of Detective Jaynes's transcribed interview with PSU). If she would have faced charges if what was suspected by probable cause to be present at her residence, I find she would have been considered a suspect. I do not find Detective Barton's testimony regarding why this factor is unchecked believable or valid.

Checking "Multiple Suspects" would add five points but calling Ms. Taylor and Mr. Glover both suspects and checking this factor would have alleviated the necessity of checking the "Additional

Persons On-Site” factor, eliminative five points. Unless Detective Barton was aware of Ms. Taylor’s sister and her sister’s child living in the apartment with Ms. Taylor. Detective Barton stated he was unaware of this fact (lines 808-837 of Detective Barton’s transcribed interview with PSU). Detective Barton further explained he did say, during the briefing, he did not know if there were children or animals at the location. This was surprising because information was revealed of during the brief at the CID office, led by Detective Barton, that it may be her and a small kid (lines 160-162, 584, and 601-604 of Detective Nobles’s transcribed interview with PIU). Knowledge of a child or the sister, who was not listed on the warrant to be searched, would mean there was a necessity to check “Multiple Suspects” and “Additional Persons On-Site” giving ten points. Nevertheless, it cannot be definitively proven, by preponderance of evidence, whether Detective Barton considered Ms. Taylor to be a suspect nor can it be proven he had knowledge of her sister living there.

The “No-Knock Warrant” factor is another which is open to interpretation. The warrant was approved for no-knock entry along with the other four warrants. However, the officers were told to knock and announce. This factor on the form does not clearly specify if it is to be checked if the warrant is approved for no-knock entry on the warrant or if it is determined to be served as a no-knock during the planning. The PBI determined ahead of time, this is to be a “Knock and Announce” (and it is labeled as such on the operations plan board for the briefing). Sergeant Meany’s, Detective Barton’s, and Detective Jaynes’s interpretation is that it was not planned to be performed as a no-knock entry, so he did not check this factor (lines 1227-1246 of Sergeant Meany’s, line 1382-1442 and 1740-1742 of Detective Barton’s, and lines 1393-1399 of Detective Jaynes’s transcribed interview with PSU). Leaving this factor up to interpretations creates a circumstance in which the decision to knock and announce can be made to avoid having to check this factor on the matrix, which would immediately raise the risk level fifteen points. Was the risk low so they decided to knock and announce, or did they decide to knock and announce to make the risk low on the matrix...?

Lastly, had the detectives decided to utilize the information as it related to Ms. Taylor, the Risk Assessment Matrix for 3003 Springfield Drive #4 would have exhibited an even lower risk level than it was, using Mr. Glover and omitting seemingly relevant factors. If they had used the actual occupants at the time of the service, Mr. Kenneth Walker and Ms. Taylor, the risk level would have still been low. The detectives opted to use Mr. Glover, after expending significant investigative effort establishing this as his current address in order to secure probable cause for the warrant. However, he was not there, he was in custody, and there was no verification (for example the recovery of personal items belonging to him at the apartment) of the belief that Mr. Glover did live there.

The omission of the specific information above, kept the risk level below the level necessitating a SWAT consultation. However, there was a SWAT consultation performed on March 5, 2020.

Although there is evidence of Detective Jaynes excluding Springfield Drive #4 during the actual meeting between himself and the SWAT Commanding Officers, he included it on the follow-up email. A SWAT consultation did take place, just not after the completion of the matrices. The SWAT Team provided their advisement during this consultation; this number of simultaneous warrants cannot be performed safely. SWAT recommended staggering the locations. CID PBI wanted to serve the warrants simultaneously. Having a low risk on the matrix associated with this location satisfied the ability to do this. The omission of crucial factor on the matrix lowered the risk. Furthermore, the policy and form mandating consultation, does not specify a definitive obligation to operate in the manner recommended during a SWAT consultation, even if the Risk Assessment Matrix accurately and correctly depicted the risk associated with the location.

SOP 5.1.5 prohibits the submission of deceptive documents. If this document cannot be definitively established to have been intentionally deceptive, I cannot recommend sustaining an allegation of a violation of the Truthfulness/Untruthfulness policy for the submission of a deceptive document against Detective Barton. Furthermore, if Detective Barton was not found to have submitted a deceptive document to Sergeant Meany, Sergeant Meany cannot be sustained of an allegation for further submitting the document. In fact, Sergeant Meany did not submit the document, it was kept with the investigative files within the unit (lines 1528-1559 of Sergeant Meany's transcribed interview with PSU). This document is flawed in that it lacks clarity requiring the application of an individual's own interpretation of key factors which would have raised the threat level. Detective Barton's interpretation of the factors on this document differ to my interpretation of the factors. Additionally, I cannot sustain an alleged violation of making this document deceptive, when the reality is, if they correctly utilized information based on the actual occupants of the apartment at the time of the service, the risk would have remained low enough to serve without consultation, and there was actually a consultation regardless of the score of this document. Detectives Mike Campbell and Joshua Jaynes were found to have not submitted this document; therefore, they should not face an allegation related to its submission. I recommend an allegation of a violation of LMPD SOP 5.1.5 Truthfulness/Untruthfulness regarding the submission of a deceptive document be **EXONERATED** for **Detective Wesley Barton and Sergeant Kyle Meany**.

Sergeant Kyle Meany

LMPD SOP 8.1.13 Search Warrants/Risk Assessment Matrix

Sustained

Re: Sergeant Meany's failure to complete an Arrest/Search Warrant Information Sheet and notify the SWAT Commander to coordinate a response and his failure to forward the Risk Assessment Matrix through the appropriate chain of command.

Had the Risk Assessment Matrix scored high enough to necessitate the use of the SWAT Team, Sergeant Meany would have been required to complete an Arrest/Search Warrant Information

Sheet (LMPD #05-0023). Due to the individual interpretations leading to the omissions of certain factors, the matrix scored below necessitating the use of the SWAT Team. This is another flaw in policy. The policy specifies the score “necessitates the use of the SWAT Team,” but it does not specify in what capacity. At and above seventeen points, a consultation with SWAT is required. Does using the SWAT Team in this capacity mandate the completion of the form? Nevertheless, the matrix did not score high enough to mandate the completion of the form for this event.

As mentioned above, the Risk Assessment Matrix was not submitted up the appropriate chain of command as required by SOP 8.1.13. The document was kept in the case file for the investigative unit (lines 1532-1559 of Sergeant Meany’s transcribed interview with PSU). By failing to forward the Risk Assessment Matrix through the chain of command to the Support Bureau Commander, Sergeant Meany violated this policy. I recommend an allegation of a violation of LMPD SOP 8.1.13 Search Warrants/Risk Assessment Matrix/SWAT Team Response be **SUSTAINED** for **Sergeant Kyle Meany**.

Detective Joshua Jaynes

LMPD SOP 5.1.5 Truthfulness/Untruthfulness	Sustained
LMPD SOP 8.1.17 Preparation for Search Warrant Execution	Sustained

Re: Detective Joshua Jaynes’s use of deceptive/untruthful information on an affidavit for Search Warrant.

This statement, “Affiant verified through a US Postal Inspector that Jamarcus Glover has been receiving packages at 3003 Springfield Drive #4” is not truthful in two facets.

Firstly, Detective Jaynes (the Affiant) did not have contact with a US Postal Inspector (lines 613-614 of Detective Jaynes’s transcribed interview with PIU and lines 343-344 of Detective Jaynes’s transcribed interview with PSU). He used Sergeant Mattingly as a tool to get to the Postal Inspector’s Office (line 648-650 of Detective Jaynes’s transcribed interview with PIU), and Sergeant Mattingly used Shively Sergeant Salyer and Detective Kuzma as his link to the US Postal Inspector (line 227-250 of Sergeant Mattingly’s transcribed interview with PSU). The Affiant in the statement, Detective Jaynes, had information from Sergeant Mattingly, Sergeant Mattingly had information from the Shively Officers, and the Shively Officers had information from the US Postal Inspector. The Affiant, Detective Jaynes, did not verify anything through a US Postal Inspector. He received information indirectly (lines 343-344, 53, and 562-569 of Detective Jaynes’s transcribed interview with PSU).

Secondly, the third-party information verified, was that there were not USPS parcels delivered to 3003 Springfield Drive #4. This was confirmed through the direct source of the information,

Detective Kuzma consistently through both of his interviews (the PIU interview and the PSU interview). There was initially a misidentification. The Shively Officers initially confused Jamarcus Glover with Jason Glover, who was someone they had investigated. Sergeant Mattingly relayed the information of the investigation performed being on the wrong Glover, and Detective Jaynes expressed disappointment (lines 442-462 of Sergeant Mattingly's transcribed interview with PSU and lines 746-751 of Detective Jaynes's transcribed interview with PIU). Detective Jaynes stated the information he received from Sergeant Mattingly "confirmed" what he personally observed, Mr. Glover exiting 3003 Springfield Drive #4 with a package. Detective Jaynes stated Sergeant Mattingly nonchalantly told him Mr. Glover just gets Amazon or mail packages there (lines 750-779 of Detective Jaynes's transcribed interview with PIU). When asked about this, Sergeant Mattingly stated he could have mentioned Amazon packages in passing, but, "I've never dealt with Amazon packages. We don't track Amazon packages. I wouldn't even know how to." (lines 303-306 of Sergeant Mattingly's transcribed interview with PSU).

Detective Nobles stated he had information of a package from Shoe Carnival being delivered to 3003 Springfield Drive (lines 328-329 and 387-396 of Detective Nobles's transcribed interview with PSU). Detective Nobles also mentioned having access to every delivery service except the USPS, including UPS and Federal Express. Detective Nobles maintained LMPD does not have a relationship with the US Postal Service and he goes through Detective Kuzma for information related to USPS deliveries (lines 158-176 of Detective Nobles's transcribed interview with PSU). After receiving the information about the Shoe Carnival delivery, I called Detective Kuzma. He maintained the accuracy of the sworn statement he provided during his interview; no boxes were going to that location (line 132 of Detective Kuzma's transcribed interview with PSU). Detective Nobles later stated the Shoe Carnival box information may have been related to the confusion about Mr. Jason Glover, rather than Mr. Jamarcus Glover (lines 1080-1099 of Detective Nobles's transcribed interview with PSU). Detective Nobles also seemed to have some confusion as to when these conversations took place, citing it to have occurred in October of 2019 or 2018 (lines 219-239 of Detective Nobles's transcribed interview with PSU), significantly earlier than Detective Jaynes requested the information from Sergeant Mattingly and before the incident which spawned Detective Jaynes's interest into the criminal activity on Elliott Avenue (the 1st Division search warrants performed on December 30, 2019). Detective Jaynes stated he did not recall information of a Shoe Carnival related delivery during his interview (lines 420-424 of Detective Jaynes's transcribed interview with PSU).

When explaining this to PIU, Detective Jaynes stated, "I could have - I - I could have worded it a little bit differently in there but I try to be as - as - not as - as detailed - or sometimes it's good to be not as detailed. For instance, like, when I put the computer database I didn't put Accurint and Clear." The difference in Detective Jaynes's lack of specificity when discussing the use of "computer database" rather than saying Clear or Accurint, is that the statement about the US

Postal Inspector did not lack specificity. The statement about his verification with the US Postal Inspector had clear specific detail. It didn't broadly say the information was verified; it specifically stated the who verified the information (the Affiant) and who the verification was through (the US Postal Inspector). Additionally, the information which he stated to have been verified, was completely opposite of what the source who did verify the information from the source relayed.

Detective Jaynes testified he believed Sergeant Mattingly was a direct link to the US Postal Inspector, or a worker or resource inside the Postal Inspector's Office, and the information relayed to him by Sergeant Mattingly was reliable and firsthand (lines 562-596 of Detective Jaynes's transcribed interview with PSU). However, the phrasing of the statement indicated the information to have passed firsthand through the US Postal Inspector. Regardless of Detective Jaynes's belief of Sergeant Mattingly's link, Detective Jaynes knew Sergeant Mattingly was not a US Postal Inspector.

The statement being discussed made it appear that Detective Jaynes had direct contact with a US Postal Inspector, who told him Mr. Jamarcus Glover had been receiving packages at 3003 Springfield Drive #4. In reality, Detective Jaynes got information from Sergeant Mattingly, who got information from Shively, who got information from a US Postal Inspector, that there were no USPS parcels delivered to 3003 Springfield. The phrasing used by Detective Jaynes exhibited strong probable cause to a Judge on a sworn official testimonial document, of something occurring which was not actually proved to have occurred (Mr. Glover receiving packages at 3003 Springfield Drive #4). It is not my purpose to prove the motive of Detective Jaynes's deception, it is my purpose to prove his deception was intentional. Detective Jaynes knew he had not verified this information through the US Postal Inspector, yet he still formed this statement as if he personally did. SOP prohibits intentional deception in a formal setting, such as testifying in court. By including this deceptive statement on his Affidavit for Search Warrant document, Detective Jaynes has violated this policy. I recommend an allegation of a violation of LMPD SOP 5.1.5 Truthfulness/Untruthfulness be **SUSTAINED**

Re: Detective Jaynes's failure to complete a Search Warrant Operations Plan form for 3003 Springfield Drive #4.

The operation was discussed and planned by the PBI Squad. The plan was written on the board at the CID for observation and reference during the briefing there, led by Detectives Barton and Goodlett. Detective Jaynes was the lead officer for this operation (line 134 of Sergeant Meany's and line 195 of Detective Jaynes's transcribed interviews with PSU).

SOP 8.1.17 states a clear obligation for the lead officer to complete a Search Warrant Operations Plan form (LMPD #05-0025). There is no stated exception to this obligation for writing the OPS

Plan on a board for the briefing. Detective Jaynes did not complete the form as required by policy (lines 200-210 of Detective Jaynes's transcribed interview with PSU). By failing to complete LMPD #05-0025, I find Detective Jaynes violated this policy. I recommend an allegation of a violation of LMPD SOP 8.1.17 Preparation for Search Warrant Execution be **SUSTAINED**

PREVIOUS DISCIPLINE TO BE CONSIDERED:

Lieutenant Shawn Hoover has no previous discipline to be considered.

Sergeant Jonathan Mattingly has no previous discipline to be considered.

Sergeant Kyle Meany has no previous discipline to be considered.

Detective Michael Campbell has no previous discipline to be considered.

Detective Myles Cosgrove has no previous discipline to be considered.

Detective Anthony James has no previous discipline to be considered.

Detective Joshua Jaynes has no previous discipline to be considered.