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# Louisville Metro Police Department

## Use Of Force Report

### Incident Details

<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
05/01/2019	04/16/2019	20:14
<b>Record ID Number</b>	<b>Incident Control #</b>	<b>IA No</b>
43995	80-19-027002	80-19-027002
<b>Date/Time Entered</b>	<b>Entered By</b>	
05/01/2019 08 04	Police Lieutenant Matthew Keller 2395	
<b>BlueTeam NexGen Assigned Investigator</b>	<b>IAPro Assigned Investigator</b>	
[Pending assignment]	Un-assigned	

### Incident Summary

Officer Batson observed a vehicle speeding, and initiated a traffic stop on I-264W near the 16mm. On contact, Officer Batson detected the odor of alcoholic beverage coming from the operator. When asked, the operator stated he'd consumed one beer at Texas Roadhouse. When Batson re-approached the vehicle on the passenger side, he observed an empty alcohol bottle under the driver's seat. Officer Batson asked the operator to exit the vehicle, and then performed SFST's. Officer Batson requested the operator to provide a breath (PBT) sample, to which the operator gave numerous evasive answers, and started questioning Officer Batson.

Officer Batson instructed the operator to turn around and place his hands behind his back while grabbing the operator's right wrist. Operator then attempted to turn to the right and face Officer Batson, Officer responded by attempting to push the operator against the front passenger of his police vehicle to gain control. The operator pushed away from the vehicle with his left hand in another attempt to face the Officer. Officer Batson performed a leg sweep in order to gain control of the resisting Subject. This caused both of them to fall backwards onto the grass next to the shoulder (there were large rocks in the grass in that location.). Officer Batson landed on top of the operator face to face. Officer Batson's right hand can to rest on the operator's collarbone/throat area and held that position only long enough to call for backup on the radio and then immediately released the hold. Officer Batson gave verbal commands to the operator to get on the ground, roll over to his stomach and give up his hands. Officer Batson stated clearly to the operator that he was under arrest. The operator continued to struggle and attempt to roll and push himself up from the ground while Officer Batson was on his back. Officer Batson utilized an empty hand strike to the Operator's upper torso/head in an attempt to keep him on the ground. Officer Batson still could not gain control of the

struggling operator, until VIU 12 who was passing by, stopped to assist, removed handcuffs from Batson's belt, and placed a cuff onto the operator's right wrist. Officer Batson was able to cuff the left wrist. The operator still continued to struggle and attempted to bridge himself up from the ground. Officer Batson remained in a position of advantage holding the operator against the ground until other units arrived on scene.

The operator sustained abrasions to his face, while Officer Batson's pants leg was torn. Louisville Metro EMS 244A (run # E19035382) responded to the scene. The operator refused transport to a hospital.

Clip of Officer Batson's WVS = [https://lmpd.evidence.com/axon/evidence?](https://lmpd.evidence.com/axon/evidence?evidence_id=564ae43c6a764a0eb2918def10857f74&partner_id=a1a320f442344723b1749253b9b6d923)

[evidence\\_id=564ae43c6a764a0eb2918def10857f74&partner\\_id=a1a320f442344723b1749253b9b6d923](https://lmpd.evidence.com/axon/evidence?evidence_id=564ae43c6a764a0eb2918def10857f74&partner_id=a1a320f442344723b1749253b9b6d923)

## Incident Location

### Addresses

I 264 HWY W, Louisville, KY, 40205  
5th DIVISION

- Location of Occurrence: Division 5

## Use of Force Details

<b>Reason For Using Force</b>	<b>Service Being Rendered</b>	<b>More Than 1 Citizen Involved</b>
Active Aggression	Traffic Stop	No
<b>Weather Condition</b>	<b>Light Condition</b>	<b>Distance to Citizen</b>
Clear	Dusk	1 feet to 3 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	No	Yes
<b>Citizen Build</b>	<b>Citizen Height</b>	<b>Citizen Influence Assessment</b>
Muscular	5'10" to 6'0"	Alcohol Impaired
<b>Officer(s) Injured</b>	<b>Officer(s) Taken to Hospital</b>	
No	No	

## Reporting/Involved Citizen

**Douglas E. Miller**

Date of Birth: [Redacted] Race: White Ethnicity: Unknown Gender: Male

Addresses

[Redacted Address]

Phone Numbers [None Entered]

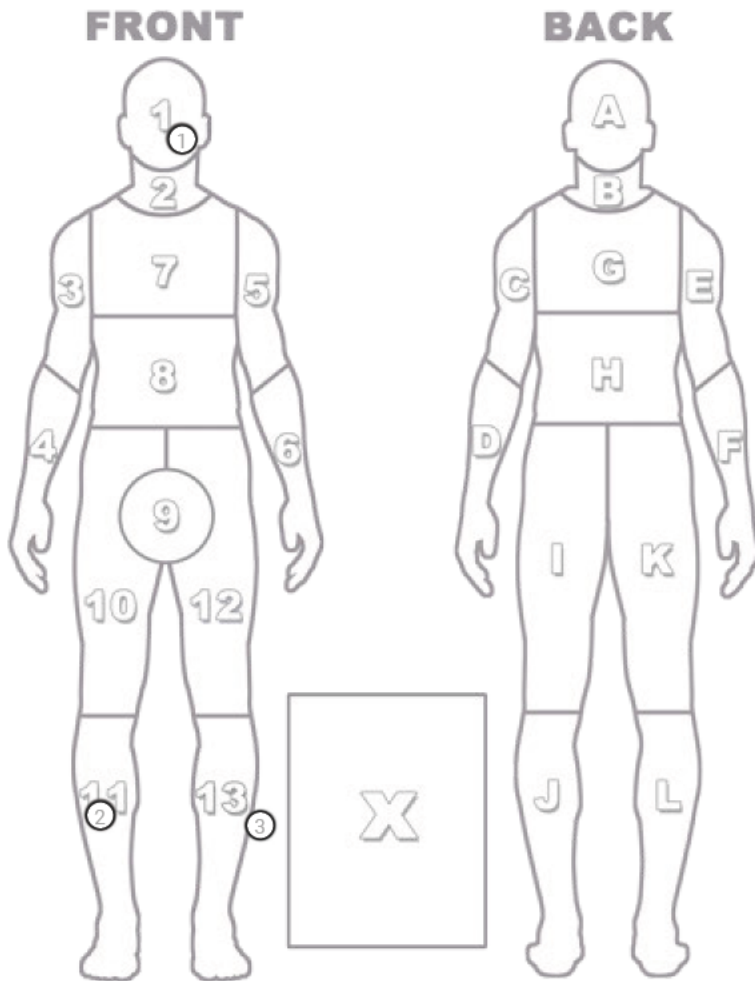
Role: [None Entered]

Type of Resistance Citizen Used Against Officer

- Verbal Non-Compliance
- Defensive Resistance

Injuries Sustained By Citizen

Injury	Pre-existing Injury	Region	Injury Location
Face	Unk	1	1
Leg(s)	Unk	11, 13	2, 3



Charges Against Citizen

- DUI

- Resisting Arrest
- Criminal Mischief 3rd

## Involved Officers

### Police Sergeant Mark Batson - 7851

**Assignment at time of incident:** Police Officer Support Bureau/Community Services Division/Traffic/3rd Platoon/1135 [None Entered]

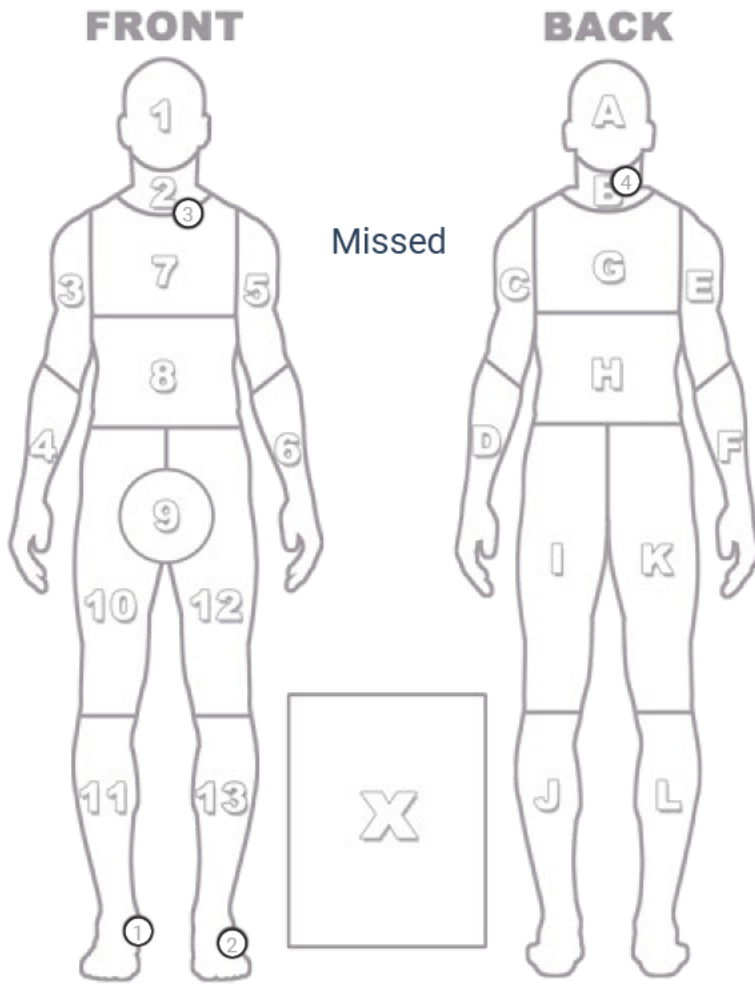
**Role:** [None Entered]

#### Force used by this Officer against Citizen

- Verbal Directions - Force Effective: Yes
- Take Down - Force Effective: No
- Empty Hand Control - Force Effective: No
- Empty Hand Strikes - Force Effective: Yes

#### Less lethal force used by this Officer against Citizen

Force Used	Force Effective	Region	Point of Contact
Verbal Directions	Yes		[Non-Contact]
Take Down	No	11, 13	1, 2
Empty Hand Control	No	2	3
Empty Hand Strikes	Yes	A	4



**Injuries Sustained By Officer**

No injury

**Tasks**

No tasks to show

**Running Sheet Entries**

No running sheet entries to show

**Attachments**

Date Attached	Attachment Description	Attachment Types
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05/01/2019	Citation	pdf
05/01/2019	Pictures	pptx
05/01/2019	Officer Batson's WVS of the arrest	

## Assignment History

Date/Time Sent	From	To	Activity
07/30/2019 14:15	Civilian J Volz		Field status changed in IAPro from To IA to Released
07/30/2019 14:15	Civilian J Volz		Released back to IAPro

## Chain of Command History

### Routing Number: 1

**From** [Snapshot Title Unavailable] Matthew Keller

**To** Police Lieutenant Micah Scheu

**Cc:** Police Chief Steven Conrad

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Police Lieutenant Kelly Higgs

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Attorney Dennis Sims

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Police Sergeant John Bradley

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Police Lieutenant Stephen Lacefield

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Deputy Police Chief Michael Sullivan

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Police Sergeant Tiffany Tatum

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Asst Police Chief-Lt Col Shara Parks

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Police Sergeant David Silverblatt

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Asst Police Chief-Lt Col Robert Schroeder

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Unassigned Bill Smock

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Police Lieutenant Terry Blake

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

Asst Police Chief-Lt Col Lavita Chavous

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

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**Date/Time Sent** 05/01/2019 09:02

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**Instructions From [ [Snapshot Title Unavailable] Matthew Keller ] To [ Police Lieutenant Micah Scheu ]**

Officer Batson utilized swift and decisive tactics due to the fact they were on the side of a busy expressway. The Operator was getting the upper hand so much so that a passing VIU unit was forced to intervene and place the first handcuff on. In my opinion Officer Batson was justified in his action due to the need to gain control of the intoxicated operator quickly.

Lieutenant please review and approve if correct. Thank You!

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**Comments/Response From [ Police Lieutenant Micah Scheu ]**

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I concur with Sergeant Keller's assessment. It is important that any sign of physical aggression or resistance by a person be dealt with immediately. This is particularly crucial when dealing with such resistance on the shoulder of an interstate. Any hesitation to do so could result in in the officer and citizen crossing into the traveled portion of the roadway, resulting in death or critical injuries by passing vehicles. Immediately taking Mr. Miller to the ground was appropriate action by Officer Batson. The wearable video clearly shows Mr. Miller was physically resistant to arrest and Officer Batson's actions were necessary and appropriate. Officer Batson followed policies and procedures as well as clearly established law. No Action Recommended.

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**Routing Number: 2**

**From** [Snapshot Title Unavailable] Micah Scheu

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**To** Police Major Andrea Brown

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**Cc:**

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**Date/Time Sent** 05/01/2019 12:41

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**Instructions From [ [Snapshot Title Unavailable] Micah Scheu ] To [ Police Major Andrea Brown ]**

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For your review.

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**Comments/Response From [ Police Major Andrea Brown ]**

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I am requesting further review of this incident.

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**Routing Number: 3**

**From** [Snapshot Title Unavailable] Andrea Brown

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**To** Asst Police Chief-Lt Col Lavita Chavous

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**Cc:**

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**Date/Time Sent** 06/20/2019 08:59

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**Instructions From [ [Snapshot Title Unavailable] Andrea Brown ] To [ Asst Police Chief-Lt Col Lavita Chavous ]**

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For your review.

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**Comments/Response From [ Asst Police Chief-Lt Col Lavita Chavous ]**

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Incident is being reviewed by PSU(AFR).

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**Routing Number: 4**

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**From** [Snapshot Title Unavailable] Lavita Chavous

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**To** Attorney Dennis Sims

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**Cc:**

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**Date/Time Sent** 06/24/2019 11:21

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**Instructions From** [ [Snapshot Title Unavailable] Lavita Chavous ] **To** [ Attorney Dennis Sims ]

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Incident is being reviewed by PSU(AFR).

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**Comments/Response From** [ Attorney Dennis Sims ]

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[Forwarded by Attorney William Sims]

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**Routing Number: 5**

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**From** [Snapshot Title Unavailable] Dennis Sims

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**To** Professional Standards Unit (Final AIR)

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**Cc:** Police Chief Steven Conrad

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Civilian Jane Volz

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**Date/Time Sent** 06/24/2019 11:54

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**Instructions From** [ [Snapshot Title Unavailable] Dennis Sims ] **To** [ Professional Standards Unit (Final AIR) ]

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PSU

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**Comments/Response From** [ Professional Standards Unit (Final AIR) ]

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[Forward to IAPro by Police Sergeant Tiffany Tatum]

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**Assigned Investigator Signature Line**

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[Pending assignment]

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**Chain of Command Signature Lines**

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Police Major Andrea Brown - 2327

**Chain of Command Signature Lines**

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Asst Police Chief-Lt Col Lavita Chavous - 2832

**Chain of Command Signature Lines**

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Police Lieutenant Micah Scheu - 6952

**Chain of Command Signature Lines**

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Attorney Dennis Sims - 9655

**Chain of Command Signature Lines**

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Police Sergeant Tiffany Tatum - 2014