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Louisville Metro Police Department

Use Of Force Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
07/29/2020	07/29/2020	02:23
Record ID Number	Incident Control #	IA No
46990	80-20-044926	80-20-044926
Date/Time Entered	Entered By	
08/01/2020 21 33	Police Sergeant Paul Cobb 7890	
BlueTeam NexGen Assigned Investigator	IAPro Assigned Investigator	
[Pending assignment]	Un-assigned	

Incident Summary

On 7/28/2020 dispatch received a holdup at the MetroPCS store located at 5540 New Cut Rd. Patrol Officers along with Robbery Det. Beahl responded and he took a report under 80-20-044875. The listed suspects were 2 black males armed with handguns wearing masks and possibly driving an older model white over gold/tan/beige Ford F 150. It is significant to note that during this shift, our platoon responded to 3 armed robberies and 3 shootings.

On 7/29/2020 Officer Wagner observed and began following an older white over faded red F 150 traveling towards Dixie Highway from the direction of the reported crime a few hours earlier. The age of the vehicle coupled with the very specific descriptor of being a "white-over" two-tone required further investigation. He requested backup. From a distance he observed the vehicle pull into the parking lot of Waffle House located at 10563 Dixie Hwy. He observed a young black male and a young white male exit the truck and enter the restaurant. Once backup arrived, the officers went inside and made contact with the males. Officer Wagner explained to the young men why they were being questioned and they stepped outside. Officer Wagner further explained the probable cause for detaining the two men and he was met with hostility. The black male refused to identify himself. The white male driver stated the truck did not belong to him and that he had just borrowed it from a buddy.

The black male was causing such a disturbance that Officer Wagner placed him in handcuffs and later asked for assistance in putting the subject in the back of a patrol car. The subject walked towards the patrol car on his own.

(The lack of control of the suspect was discussed at roll call during the next shift with the entire platoon).

personally discussed with Officer Wagner how de-escalating the situation by speaking in a lower voice to encourage an irate individual to do the same may have proven successful. Continuing to lecture the white male juvenile was unnecessary and unproductive. Officer Wagner watched the video with me and agreed. Once the black male subject reached the car he began shouting racial slurs at Officer Wagner and Officer Marson and squared off against officers resisting their efforts to put him in the vehicle. As he pushed against in active resistance to Officer Marson, Officer Livers quickly delivered a short burst of OC Spray to the subject's forehead and the subject's resistance diminished immediately and he was placed in the car.

PRP Fire (Unit 2283/Run#20072408) responded and flushed the subject's eyes out with water and he was placed back in the back of a patrol car. I advised Officer Marson to roll the windows down partially in the back in order to increase air circulation. The subject identified himself to me. Officer Marson arrested the subject for Menacing, Resisting, and Disorderly Conduct. I contacted Det. Beahl and he determined this was not a suspect in the earlier robbery and the vehicle was most likely not the truck involved but to have it towed until he could be sure.

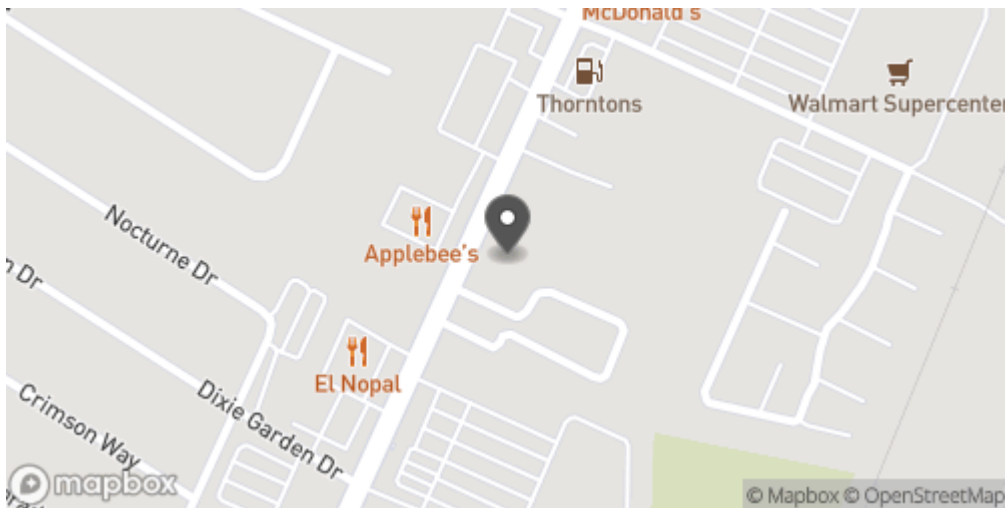
Our platoon stays very engaged and aware through the shift. This same evening we located and arrested the occupants of a vehicle that was involved in a drive by shooting hours earlier. Information was gathered and a vehicle matching the description was located still in the division. Earlier this year Officer Pond located a car on Dixie Highway matching the description of an armed robbery that occurred earlier in the shift hours after the crime. The driver was wearing different clothing, but was identified in a show-up. The pistol and clothing used in the crime were located in the trunk. As a supervisor and former PTO, I teach to copy down city wide ATL/BOLO info and when time permits "bubble" at major intersections. The bubble technique allows the patrolman to view large amounts of traffic and spot similar vehicles that warrant further investigation. It is advised to gain traffic offenses prior to the stop. At a minimum these actions end in a field interview that can be forwarded to detectives, traffic citations to document people/locations/vehicles, and arrests of people wanted for recent crimes put out in ATL/BOLO communications. Officer Wagner did a good job of investigating felony crimes in the division. However, he did not do a good job de-escalating the situation or control the subjects. He was verbally counseled for his actions and respond to it very well.

Incident Location

Addresses

Latitude, Longitude = [38.10096, -85.87035]

10563 Dixie Highway, Louisville, KY, 40272



Location of Occurrence Division 3

Use of Force Details

Reason For Using Force	Service Being Rendered	More Than 1 Citizen Involved
Active Aggression	Criminal Investigation	No
Weather Condition	Light Condition	Distance to Citizen
Clear	Street Lights	1 feet to 3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	No	Yes
Citizen Build	Citizen Height	Citizen Influence Assessment
Large	5'10" to 6'0"	Emotionally Disturbed
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Reporting/Involved Citizen

khalil C harrison

Date of Birth: Unknown **Race:** Black **Ethnicity:** Unknown **Gender:** Male

Addresses

[Redacted Address] Louisville, KY, 40211

Phone Numbers [None Entered]

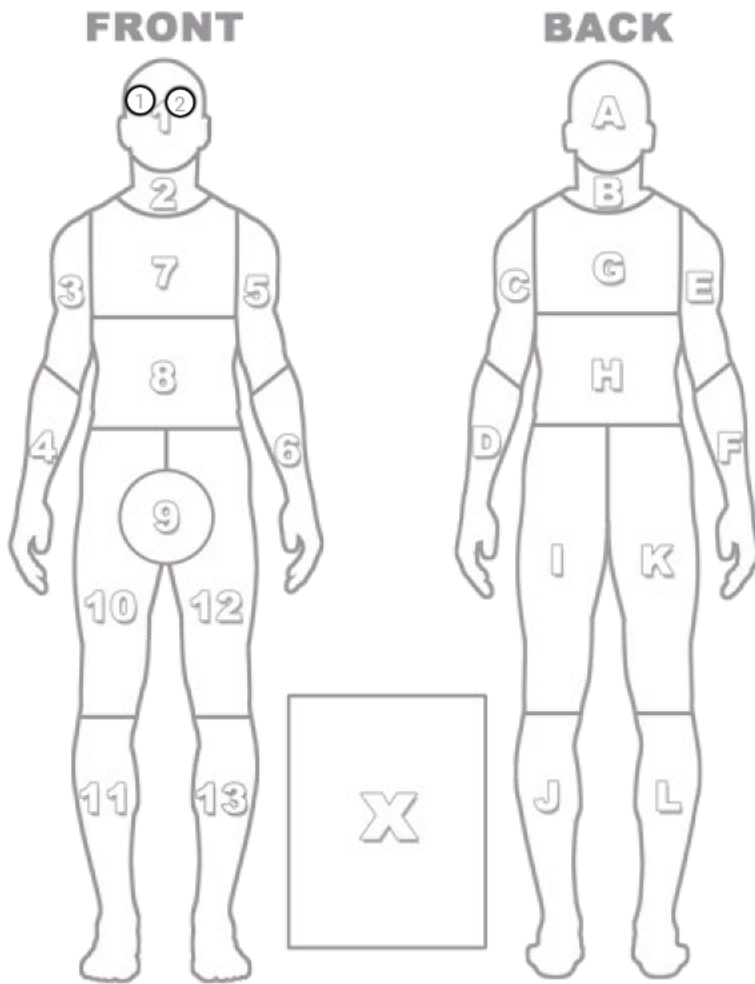
Role: [None Entered]

Type of Resistance Citizen Used Against Officer

- Verbal Non-Compliance
- Active Aggression
- Defensive Resistance
- Psych Intimidation

Injuries Sustained By Citizen

Injury	Pre-existing Injury	Region	Injury Location
Eye(s)	Unk	1, 1	1, 2



Charges Against Citizen

- Resisting Arrest
- Menacing
- Disorderly Conduct 2nd

Involved Officers

Police Officer John Livers - 7362

Assignment at time of incident: Police Officer Patrol Bureau/3rd Division/3rd Division/2nd Platoon/822B

[None Entered]

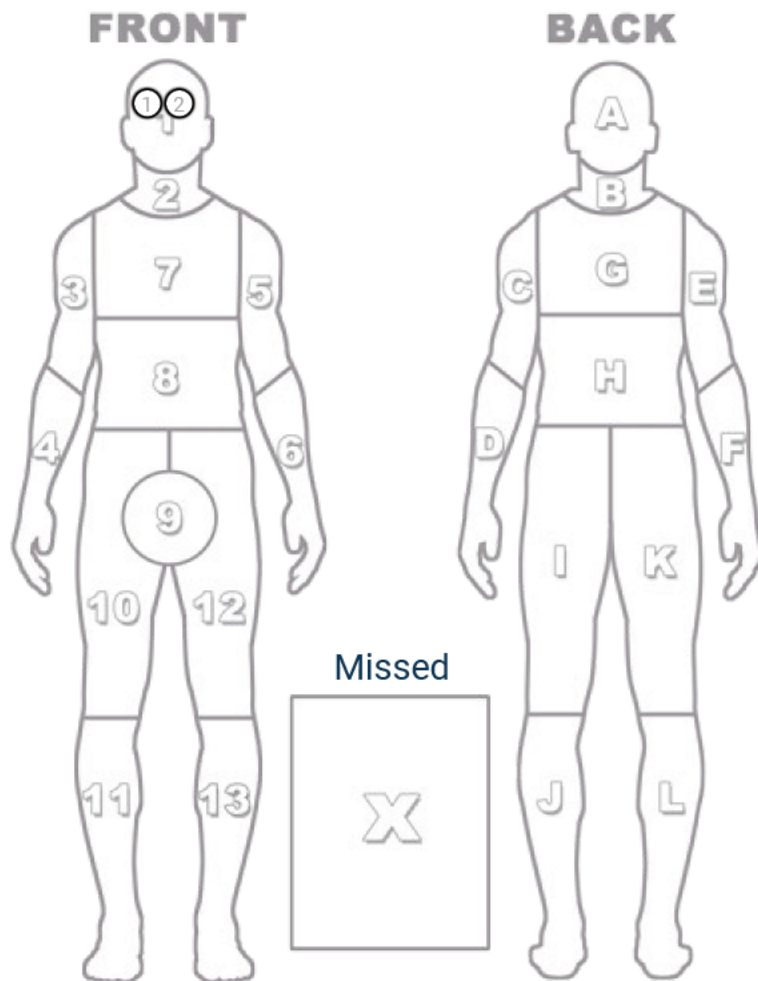
Role: [None Entered]

Force used by this Officer against Citizen

- OC Spray - Force Effective: Yes

Less lethal force used by this Officer against Citizen

Force Used	Force Effective	Region	Point of Contact
OC Spray	Yes	1, 1	1, 2



Injuries Sustained By Officer

Injury	Pre existing Injury	Region	Injury Location
No injuries noted or visible	Unk		

Police Officer Alexander Marson - 7444

Assignment at time of incident: Police Officer Patrol Bureau/3rd Division/3rd Division/2nd Platoon/PO 53
[None Entered]

Role: [None Entered]

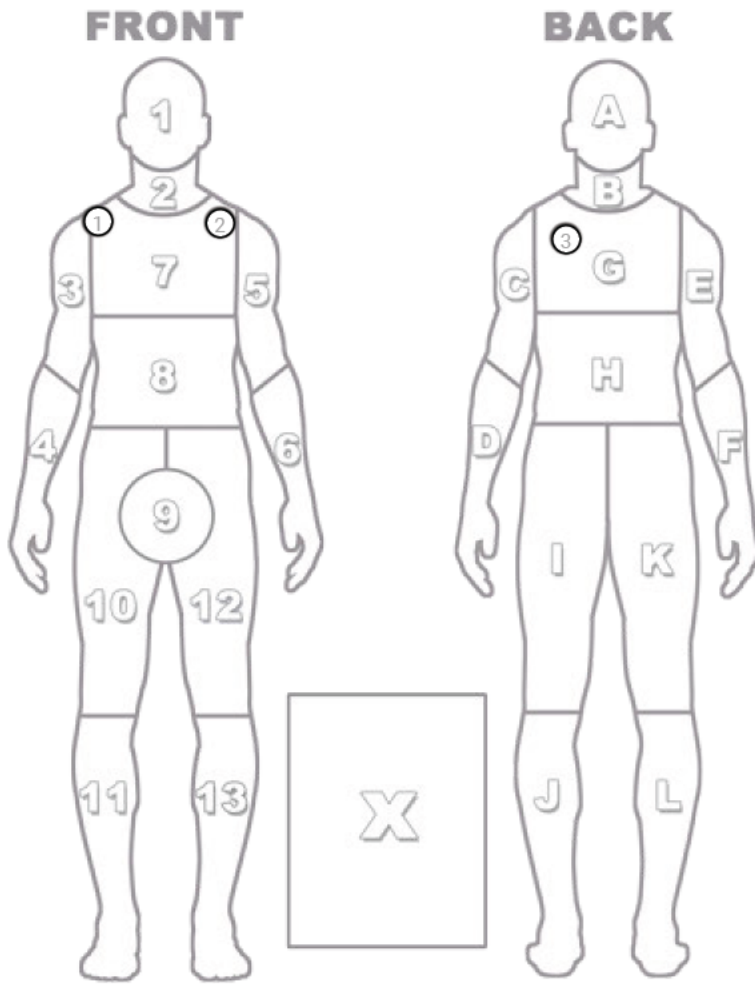
Force used by this Officer against Citizen

• Empty Hand Control Force Effective Yes

Less lethal force used by this Officer against Citizen

Force Used	Force Effective	Region	Point of Contact
Empty Hand Control	Yes	7, 7, G	1, 2, 3

Missed



Injuries Sustained By Officer

Injury	Pre-existing Injury	Region	Injury Location
No injuries noted or visible	Unk		

Officer Witnesses

Police Officer Kyle Willis - 5170

Assignment at time of incident: Police Officer ////

[None Entered]

Role: [None Entered]

Police Officer Darell Wagner - 7321

Assignment at time of incident: Police Officer Patrol Bureau/3rd Division/3rd Division/2nd Platoon/PO-47

[None Entered]

Role: [None Entered]

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Types
08/03/2020	Officer Livers' Video #1	
08/11/2020	80-20-044926	pdf
08/05/2020	Ofc Wagner's Video	
08/06/2020	Officer Wagner's Video	
10/28/2020	07-28-20 20-069 (Metro by T-Mobile) BEAHL Scene Sheet	pdf
08/07/2020	Officer Marson's Video	
08/05/2020	Officer Willis' Video	
08/03/2020	Officer Livers' Video #2	
08/12/2020	citation	pdf
08/12/2020	report	pdf
08/06/2020	Sgt Cobb's Video	
08/06/2020	Officer Wagner's Video #2	

Assignment History

Date/Time Sent	From	To	Activity
11/19/2020 11:23	Civilian J Volz		Field status changed in IAPro from To IA to Released
11/19/2020 11:23	Civilian J Volz		Released back to IAPro

Chain of Command History

Routing Number: 1

From [Snapshot Title Unavailable] Paul Cobb

To Police Lieutenant Kelly Lee

Cc:

Date/Time Sent 09/08/2020 04:19

Instructions From [[Snapshot Title Unavailable] Paul Cobb] To [Police Lieutenant Kelly Lee]

Ma'am,

Have a look and let me know if I need to add anything.

Thanks,

Paul

Comments/Response From [Police Lieutenant Kelly Lee]

Use of force was reasonable to control suspect. No action recommended.**Routing Number: 2**

From [Snapshot Title Unavailable] Kelly Lee

To Police Major Micah Scheu

Cc:

Date/Time Sent 09/11/2020 13:25

Instructions From [[Snapshot Title Unavailable] Kelly Lee] To [Police Major Micah Scheu]

Use of force was reasonable to control suspect. No action recommended.

Comments/Response From [Police Major Micah Scheu]

Sgt. Cobb mentions there were 3 shootings and 3 robberies during the shift. Please see if any of those were known to also have similar suspect vehicles matching this stop.**Routing Number: 3**

From [Snapshot Title Unavailable] Micah Scheu

To Police Lieutenant Kelly Lee

Cc:

Date/Time Sent 09/15/2020 16:22

Instructions From [[Snapshot Title Unavailable] Micah Scheu] To [Police Lieutenant Kelly Lee]

Please see follow-up request.

Comments/Response From [Police Lieutenant Kelly Lee]

please call me about this

Routing Number: 4

From [Snapshot Title Unavailable] Kelly Lee

To Police Sergeant Paul Cobb

Cc:

Date/Time Sent 09/28/2020 11:13

Instructions From [[Snapshot Title Unavailable] Kelly Lee] To [Police Sergeant Paul Cobb]

please call me about this

Comments/Response From [Police Sergeant Paul Cobb]

I made some changes in the body and added some explanation at the end.
Just give me a call if anything else needs to be done.

PC

Routing Number: 5

From [Snapshot Title Unavailable] Paul Cobb

To Police Lieutenant Kelly Lee

Cc:

Date/Time Sent 10/07/2020 12:03

Instructions From [[Snapshot Title Unavailable] Paul Cobb] To [Police Lieutenant Kelly Lee]

I made some changes in the body and added some info at the end. Just give me a call if anything else needs to be done, Thanks.

PC

Comments/Response From [Police Lieutenant Kelly Lee]

The use of force by Officer Livers, given the circumstances known to him at the time of the incident, was reasonable. However, there was a significant time lapse between the robbery including the white truck as the suspect vehicle and the traffic stop by Officer Wagner. Also, the subsequent robberies that occurred during their shift did not include the same suspect vehicle. Because of this, I believe this incident deserves further review.

Routing Number: 6

From [Snapshot Title Unavailable] Kelly Lee

To Police Major Micah Scheu

Cc:

Date/Time Sent 10/21/2020 13:40

Instructions From [[Snapshot Title Unavailable] Kelly Lee] To [Police Major Micah Scheu]

The use of force by Officer Livers, given the circumstances known to him at the time of the incident, was reasonable. However, there was a significant time lapse between the robbery including the white truck as the suspect vehicle and the traffic stop by Officer Wagner. Also, the subsequent robberies that occurred during their shift did not include the same suspect vehicle. Because of this, I believe this incident deserves further review.

Comments/Response From [Police Major Micah Scheu]

I recommend further review of this incident. With the significant time lapse, physical distance and discrepancies in suspect descriptions of the referenced robbery, I have concern about the justification for the detention by Officer Wagner. The incident was reviewed and documented on a performance observation with Officer Wagner. While his efforts to identify a potential suspect vehicle are indicative of proactive police work, his tactics and de-escalation techniques during this incident need significant improvement.

Routing Number: 7

From [Snapshot Title Unavailable] Micah Scheu

To Asst Police Chief-Lt Col Joshua Judah

Cc:

Date/Time Sent 11/04/2020 13:59

Instructions From [[Snapshot Title Unavailable] Micah Scheu] To [Asst Police Chief-Lt Col Joshua Judah]

For your review.

Comments/Response From [Asst Police Chief-Lt Col Joshua Judah]

Recommend PSU investigation.

Routing Number: 8

From [Snapshot Title Unavailable] Joshua Judah

To Attorney Dennis Sims

Cc:

Date/Time Sent 11/04/2020 15:40

Instructions From [[Snapshot Title Unavailable] Joshua Judah] To [Attorney Dennis Sims]

Not approved.

Comments/Response From [Attorney Dennis Sims]

k

Routing Number: 9

From [Snapshot Title Unavailable] Dennis Sims

To Police Lieutenant Tiffany Tatum

Cc:

Date/Time Sent 11/09/2020 14:05

Instructions From [[Snapshot Title Unavailable] Dennis Sims] To [Police Lieutenant Tiffany Tatum]

k

Comments/Response From [Police Lieutenant Tiffany Tatum]

Cobb, please add empty hand control to the appropriate officer(s). Once completed, send directly back to me. If you have any questions, feel free to contact me at [REDACTED] Thanks, Tatum

Routing Number: 10

From [Snapshot Title Unavailable] Tiffany Tatum

To Police Sergeant Paul Cobb

Cc:

Date/Time Sent 11/12/2020 12:52

Instructions From [[Snapshot Title Unavailable] Tiffany Tatum] To [Police Sergeant Paul Cobb]

Cobb, please add empty hand control to the appropriate officer(s). Once completed, send directly back to me. If you have any questions, feel free to contact me at [REDACTED] Thanks, Tatum

Comments/Response From [Police Sergeant Paul Cobb]

Added Officer Marson's Empty Hand Control

Routing Number: 11

From [Snapshot Title Unavailable] Paul Cobb

To Police Lieutenant Tiffany Tatum

Cc:

Date/Time Sent 11/16/2020 21:42

Instructions From [[Snapshot Title Unavailable] Paul Cobb] To [Police Lieutenant Tiffany Tatum]

Added Ofc Marson's Empty Hand Control

Comments/Response From [Police Lieutenant Tiffany Tatum]

[Forward to IAPro by Police Lieutenant Tiffany Tatum]

Assigned Investigator Signature Line

[Pending assignment]

Chain of Command Signature Lines

Police Lieutenant Kelly Lee - 6383

Chain of Command Signature Lines

Asst Police Chief-Lt Col Joshua Judah - 2427

Chain of Command Signature Lines

Attorney Dennis Sims - 9655

Chain of Command Signature Lines

Police Sergeant Paul Cobb - 7890

Chain of Command Signature Lines

Police Lieutenant Tiffany Tatum - 2014

Chain of Command Signature Lines

Police Lieutenant Kelly Lee - 6383

Chain of Command Signature Lines

Police Lieutenant Kelly Lee - 6383

Chain of Command Signature Lines

Police Sergeant Paul Cobb - 7890

Chain of Command Signature Lines

Police Major Micah Scheu - 6952

Chain of Command Signature Lines

Police Major Micah Scheu - 6952

Chain of Command Signature Lines

Police Lieutenant Tiffany Tatum - 2014