



LOUISVILLE METRO POLICE DEPARTMENT PROFESSIONAL STANDARDS UNIT INVESTIGATOR FINDINGS

TO:

LIEUTANANT JEFFREY ARTMAN

COMMANDER, PROFESSIONAL STANDARDS UNIT

FROM:

SERGEANT COREY ROBINSON 972

INVESTIGATOR, PROFESSIONAL STANDARDS UNIT

DATE:

MARCH 15, 2019

RE:

PRELIMINARY FINDINGS AND CONCLUSIONS

CASE NUMBER 19-015

ACCUSED:

OFFICER RAYMOND WONKA #7751

COMPLAINANT:

MS.

PRELIMINARY FINDINGS

Officer Raymond Wonka

•	LMPD SOP 3.6.4 Field Interview ProceduresSustained
•	LMPD SOP 5.1.3 Conduct UnbecomingExonerated
0	LMPD SOP 5.1.11 CourtesyExonerated
•	LMPD SOP 5.1.32 Appropriate Action Sustained
0	LMPD SOP 7.12.7 Strategies & Tactics of Patrol StopsSustained
•	LMPD SOP 8.24.3 Warrantless Searches (Pat Down Search) Sustained
8	LMPD SOP 8.24.3 Warrantless Searches (Search of a Vehicle)Sustained
0	LMPD SOP 9.1.5 Use of Physical Force——— Exonerated
	LMPD SOP 12.1.1 PursuitsSustained

CASE SUMMARY

On February 6, 2019, around 1554 hours, while conducting traffic enforcement along Interstate 265 (Gene Snyder Expressway), Officer Raymond Wonka observed a silver 2009 Nissan Maxima travelling 84 miles per hour in a 65 miles per hour zone. The vehicle was occupied by Ms. State owner and operator, and her one-year old twins, who were seated in car seats in the back seat. Ms. Swas traveling in the left lane, northbound along the Gene

Snyder, near mile marker 29, in the same direction as Officer Wonka. Officer Wonka was traveling in the right lane. Officer Wonka captured Ms. peed using his rear-reading Stalker Dual DSR police radar.

Once Ms. passed Officer Wonka, he changed to the left lane to follow directly behind her and activated his emergency lights and sounded his emergency horn to indicate to Ms. he was initiating a traffic stop. This was done between the Old Henry Road and Old LaGrange Road Exits along the Gene Snyder. When the right lane cleared of traffic Ms. moved to the right lane and lowered her speed. Officer Wonka's wearable video system (WVS) captures his own digital speedometer and can be seen hovering in the low 50 mph range. Ms. then activated her emergency flashers but did not stop her vehicle. Officer Wonka advised the dispatcher Mr. was slow to stop and gave her speed as approximately 45mph. Ms. passed the Old LaGrange Road exit then began increasing her speed, ultimately reaching a maximum speed of 79 mph. She moved back to left lane and began passing other cars in traffic as Officer Wonka trailed behind. Officer Wonka updated her speed as approximately 70 mph.

Ms. Look Exit 32 to Westport Road and stopped her vehicle at the bottom of the exit ramp, just before the traffic light at the intersection. Officer Wonka exited his vehicle and commanded Ms. Loop put her hands on the steering wheel. She placed both hands out the driver window. As Officer Wonka approached Ms. Loop began explaining she had twins in the car and was not going to stop along the expressway. She then handed him her operator's license. Officer Wonka continued asking why she didn't stop and explained she needed to stop. He then asked for her insurance card. A heated verbal exchange ensued resulting in both raising their voice at the other. Ms. Loop then told Officer Wonka he was making her feel uncomfortable and asked him to back up. He replied she was making him feel uncomfortable and she was lucky she wasn't in handcuffs right now. She continued asking him to back up and rolled the window up on him while he was in mid-sentence. Officer Wonka pulled on the driver door latch to open it and the handle broke off in his hands only leaving hanging wires and two holes where the handle once was.

Officer Wonka began yelling for her to open the door and roll the window down and Ms. began blowing her car horn. She eventually cracked the window enough to continue the dialog, as Officer Wonka continued demanding her to open the door. Officer Wonka relayed this information to the dispatcher and other cars were dispatched to the scene. Ms. eventually rolled the window back up and Officer Wonka continued knocking on the glass pleading for her to open the door. Officer Padgett arrived within moments and made a passenger-side approach to speak to Ms. She lowered the window of the front passenger door to speak to Officer Padgett, who was unable to build any rapport with her. Officer Gillock approached behind Officer Padgett a few moments later and was able to have

more positive dialogue with her and was able to convince Ms. To allow her to access enter the passenger compartment and reach over and open the driver door from the inside to a waiting Officer Wonka.

Once the door was opened Ms. was removed from her vehicle. Officer Wonka grabbed her by the wrist as she continued pleading with him. Officer Wonka placed her in handcuffs as Officer Kline and Officer Gillock assisted in controlling her arms. Officer Kline and Officer Gillock kept telling her to stop resisting and to just relax. Once she was in handcuffs Officer Wonka searched the pockets of her sweater, which was wrapped around her lower body. He explained she was detained and requested Officer Kline place her in the rear of his marked vehicle. Ms. was assuming she was arrested, asked for someone to contact her mother to take her children.

Officer Wonka then returned to her vehicle, still occupied by her twins, and searched her glove compartment and her center console. Sergeant Matt Brown was requested to respond to the scene to assess the damage to the door handle and the status of the traffic stop. Officer Wonka continued his investigation and attempted to collaborate with the officers on scene to determine if there was probable cause for an arrest. Officer Gillock was able to contact Ms. mother and she allowed Ms. to speak to her. Ms. Jenkins gave her mother the location of the traffic stop and asked if she could come get her children, assuming she was going to jail.

Officer Wonka determined he would issue a citation to Ms. for SPEEDING, FAILURE TO GIVE RIGHT OF WAY TO EMERGENCY VEHICLE, AND NO REGISTRATION PLATES (Citation DC80264). When Officer Wonka attempted to get her out of Officer Kline's car, she told him she feared him and requested another officer. Officer Gillock removed her from the car and allowed her to return to her vehicle with her children. Sergeant Brown gave Ms. The printed citation and explained to her the procedure to seek repairs for the damage to her door and operator license, which was damaged at some unknown time during the investigation.

FACTS OF THE CASE:

- Officer Wonka was wearing a Class A uniform and was operating an unmarked black Ford Taurus.
- Officer Wonka notified dispatch of his traffic stop one minute and twenty-five seconds after initiating the stop and trailing behind Ms.
- After initiating the traffic stop, Officer Wonka trailed behind Ms.
 with his emergency equipment activated for four minutes and nine seconds; and traveled nearly three miles in the process.

- Via the Officer Wonka's wearable video system (WVS), the investigator observed
 Officer Wonka's speed lower to 48 miles per hour as he trailed behind Ms.
 Officer Wonka's speed then increased to 79 miles per hour prior to Ms.
 Exiting I265 onto Westport Road.
- Officer Wonka had a nearly 7-minute standoff with Ms. the base of the refused to open her car door for him.
- Officer Wonka gained no consent, nor had a warrant to search Ms.
 vehicle or her person.
- Ms. was placed in Officer Kline's police vehicle for approximately thirteen minutes.

CONCLUSIONS

In Ms. Interview she listed four specific complaints concerning Officer Wonka. To succinctly cover all the salient points of the case I will list those complaints and expound on each one.

- 1. Officer Wonka yelled and made her feel scared.
- 2. Officer Wonka banged on her car window.
- 3. Officer Wonka broke her car door handle while trying to access her vehicle.
- 4. Officer Wonka forcibly removed her from her vehicle and slammed her against the car.
- 5. Officer Wonka kept her detained when she would not agree to talk to him, as if to punish her.
- 6. Officer Wonka searched her car without permission.

LMPD SOP 3.6.4 states in part, "Under no circumstances will an officer detain a suspect for longer that what is reasonably necessary to make reasonable inquiries and either confirm of refute his/her suspicions of criminal activity." Ms. pandcuffed and placed in the back of a caged marked police car for 13 minutes. Her one-year old twins were left in her car unattended. Officer Wonka searched her and discovered no weapons, drugs, or any illegal contraband which would indicate suspicions of criminal activity besides the speeding violation. This search was executed nearly simultaneously while Ms. was being placed in the police car, essentially relieving Officer Wonka's suspicions moments after detaining Ms.

Sergeant Brown: "And I asked him, "Are you gonna arrest her?" And he said, "No. Probably not." He goes, "I just wanted to, you know, um check the vehicle for, you know, any contraband," and something to that nature. He had to check the vehicle. I think his concern was why did she roll the window up and why was she reaching for the center console. And maybe somewhere in that conversation, I think I asked him, "Was

she looking for her insurance card, 'cause you had asked for the insurance card," and he said, "That's possible, but I didn't know." (Brown 235-243)

Sergeant Brown: "At that point, that's when I said, "Are you, uh, well, are you gonna arrest her? And if you're not gonna arrest her, you probably need to get her out of the back of the car and let her get up here." She had two small children in the backseat of the car. Uh, I think they were close to 1-year-old twins. (Brown 251-254)

She remained handcuffed in the back of a police vehicle for 12 additional minutes which was unreasonable. I recommend allegations of a violation of LMPD SOP 3.6.4 Field Interview Procedures be SUSTAINED.

While Ms. riewed Officer Wonka's conduct of breaking her door handle and knocking on her glass to be egregious, neither was done in a malicious manner. The damage to the door handle appeared to be an accident and he merely knocked on her door window, not "bang" as she described in her interview.

Officer Wonka: "Oh, when the window went up, my alertness just what - basically, what the hell's goin' on? Why'd she do that? I have her ID card, boom. What you reachin' for? I wanted to get the door and see if I could get her out of the car and separate her from the car. What's goin' on inside that car? Why did she roll the window up? So, I tried to open the door and ended with the door handle in hand." (Wonka 739-743, 751)

Also, Officer Wonka only spoke to Ms when she was detained when the time came to release her back to her own vehicle. It was Ms. who demanded another officer handle her. She chose to not speak to Officer Wonka. There was no talk of extending her detainment if she did not talk to him.

Sergeant Brown: "So, I thought, just to de-escalate the situation, to help calm Mrs. down and to help her feel a little bit safer, that we would have another officer – and I can't remember which officer it was... I think it might have been Officer Gillock. Uh, a officer to go up there and – and talk to her and have her help her out of the car." (Brown 319-327)

I recommend that allegations of a violation of LMPD SOP 5.1.3 Conduct Unbecoming be **EXONERATED**.

Ms. complained Officer Wonka yelled at her and banged on her car window. Officer Wonka did raise his voice at Ms. He also knocked on the window as previously noted. Through it all he did manage to exercise patience and diplomacy in the performance of his

duties. I recommend allegations of a violation of LMPD SOP 5.1.11 Courtesy be **EXONERATED**.

The charge of Speeding and the charge of No Registration Plates are easily verifiable and were properly articulated in the narrative of the citation. However, the charge of Failure to Give Right of Way to Emergency Vehicle is not the appropriate charge in this circumstance. Ms. did not fail to give right of way to Officer Wonka, so he could pass, she failed to stop as the subject of an alleged traffic violation. I recommend allegations of a violation of LMPD SOP 5.1.32 Appropriate Action be SUSTAINED.

Officer Wonka did not observe any of the protocol of the S.T.O.P.S. policy. The following is an excerpt from the questions concerning adherence to this policy:

Investigator: "Okay. Okay. Do you feel that - are you familiar with our STOPS Policy as far as, like, the, um, as far as the spiel that we give..."

Officer Wonka: "The situation..."

Investigator: "...in the stop."

Officer Wonka: "I didn't feel I was to the point where to - I could start s- identifyin' myself, here's why I stopped you..."

Investigator: "Okay. Okay. S- so..."

Officer Wonka: "And - I didn't, uh, p- I had jumped past that and - and was still tryin' to come down, but every time we'd come down, she'd make a movement or she'd yell back at me and boom, we'd..."

Investigator: Okay. "So, you are familiar with it."

Officer Wonka: "Yes sir."

Investigator: "But - but your, um, your, um - uh, answer is that it - it just wasn't appropriate..."

Officer Wonka: "Uh..."

Investigator: "...to use at that moment?"

Officer Wonka: "Show me your hands, show me your hands. I'm still waitin' for other patrols. I'm - I'm approachin'. She'd - put her hand back in. She gave me her ID card. I don't know when she started raisin' her voice at me and okay, what's goin' on? I..." (634-664)

Sergeant Brown: "As we all know, if you've ever made a traffic stop and – and someone who hasn't, uh, sometimes we are frustrated at the point that we, when we make that stop – I think in this particular situation, had we used the STOPS protocol, it may have deescalated the situation a little bit... You get into, hey, who you are, why I stopped you and then, you know, it, you know, then you ask the question, you know, "What too you so long to pull over on the side of the road?" Had that happened, it might have de-escalated the situation a little bit." (Brown 513-523)

I recommend allegations of a violation of LMPD SOP 7.12.7 Strategies & Tactics of Patrol Stops be **SUSTAINED**.

Officer Wonka searched the pockets of Ms. sweater which was wrapped around her waist. When Officer Wonka was asked if he had reason to believe she was armed and dangerous he said the following:

Officer Wonka: "I didn't know what she was doin' 'cause of the furtive movements in the car when the window went up. I- what does she have that she does not want me to see? I-I-I-I got...

Investigator: "Reasonable grounds to believe..."

Officer Wonka: "Hm."

Investigator: ...she's armed and dangerous. Do you believe you had that?"

Officer Wonka: "Yes."

Investigator: "But - but you - you checked her pockets to her upper jacket and, um, - and, um, it..."

Officer Wonka: "Upper jacket?"

Investigator: "Like a - the - the - I'll call the jacket sweater or jacket. Whatever you wanna call it."

Officer Wonka: "Are you referrin' - I know I checked - I grabbed the pockets in her sweater that was around her waist." (1078-1088, 1028-1037)

He did not gain consent or a warrant prior to the search. LMPD SOP states, "A pat down does not include manipulating, or grasping, the outer garments or reaching inside of, or opening, the garments (e.g. pockets, jackets, etc.). I could find no reason to believe Ms. was armed or dangerous. Officer Wonka could only articulate he felt she was a danger because she was reaching in her car. This is counterintuitive being she was asked to retrieve proof of car insurance. In my experience proof of insurance is typically stored in the glove compartment or console, which is where she was reaching. Even when I asked Officer Wonka to explain the

most logical place a person would store their insurance car he replied, "Glove box, center console." (Wonka 812). The grab of Ms. pockets constituted a search. I recommend allegations of a violation of LMPD SOP 8.24.3 Warrantless Searches (Pat Down Search) be SUSTAINED.

Officer Wonka searched the glove compartment and the center console of Ms

"Um, I was worried about some of the sort of movements she made diggin' in the center console. In the glovebox. Um, the kids were in the car. Other officers were in the area. I did look in the center console more safety and to look for insurance card. Did look in the glovebox real quick. I sh- stack of paperwork, so I went through 'em real quick, didn't see 'em. Put those back on the seat, get out of the car." (Wonka 157-162)

He did not gain consent prior to the search, nor did he have probable cause or a warrant. I recommend allegations of a violation of LMPS SOP 8.24.3 Warrantless Searches (Search of a Vehicle) be **SUSTAINED**.

Officer Wonka did remove Ms. from the vehicle by using a control hold consisting of grabbing her wrist. Once out of the car, he positioned her to face away from him using an openhand technique and then handcuffed her.

Officer Wonka: "She came out. I know at some point, I believe it was her left hand 'cause it was there. I did grab her hand and I told her to face her car as she was getting out. She started to do that. I grabbed her right hand. Uh, I don't know when I told her she was just detained at this time. And - and while we're try- I was tryin' to gain control of her hands behind her back, she kinda j- tensed up, maybe pulled her arms back a little bit. Told her to stop resisting. Um, once she did get placed up against the car, but she wasn't thrown against the car." (Wonka 969-972, 976-978, 994-998)

The amount of force used to detain Ms. was reasonable. I recommend allegations of a violation of LMPD SOP 9.1.5 Use of Physical Force be **EXONERATED**.

LMPD 12.1.2 SOP Pursuits defines a pursuit as: "an active attempt by a law enforcement officer operating a police vehicle, utilizing emergency equipment, to apprehend the operator of a fleeing vehicle, who is attempting to avoid arrest by using speed or other evasive tactics." Officer Wonka was making an active attempt to apprehend testified she did not want to stop on the expressway out of concern of the safety of her children who were in the car. Yet, she passed up the opportunity to exit at LaGrange Road which she had ample opportunity to do; and compounded this action by increasing her speed to 79 mph. She got back into the left lane and began passing traffic along the way. She increased her speed by 31 mph (48 mph to 79mph) which appeared to be an attempt to avoid arrest. Officer Wonka had no reason to believe Ms. That committed or was wanted on a warrant for committing a violent felony, so pursuing behind her was not justified. When Officer Wonka was asked if he left the increased speed was an indication Ms. Was fleeing he had the following reply: "Now, if it was a block – she went from 40 to 70 plus miles an hour that would be a different story." (Wonka 590-598) The rationale of whether Ms. Typothetically travelled a block,

or the actual distance she did travel on the Gene Snyder does not change the fact she used speed to continue fleeing Officer Wonka. I recommend allegations of a violation of LMPD SOP 12.1.2 Pursuits be **SUSTAINED**.

PREVIOUS DISCIPLINE TO BE CONSIDERED:

Officer Raymond Wonka has no previous discipline to be considered.



LOUISVILLE METRO POLICE DEPARTMENT OFFICE OF THE CHIEF

GREG FISCHER
MAYOR

ERIKA SHIELDS CHIEF OF POLICE

June 8, 2021

Officer Raymond Wonka #7751 Eighth Division

Professional Standards Case #19-015

Dear Officer Wonke:

On February 7, 2019, investigations were initiated pursuant to KRS 67C.326 concerning any violations of the Louisville Metro Police Department's rules, standards, policies and procedures in regard to your involvement in a traffic stop and contact with the Professional Standards Unit investigation has been completed. The following is the result and my final action in regard to my subsequent investigation into this matter.

Violations of:

Standard Operating Procedure 7.12.7 Strategies & Tactics of Patrol Stops Standard Operating Procedure 8.24.3 Special Circumstances (Count 1) (Pat Down Search during a Terry Stop)	-Sustained -Sustained
Standard Operating Procedure 8.24.3 Special Circumstances (Count 2) (Search of a Vehicle Based on Probable Cause)	-Sustained
Standard Operating Procedure 3.6.4 Field Interview Procedures Standard Operating Procedure 5.1.32 Appropriate Action (Count 1) Standard Operating Procedure 5.1.32 Appropriate Action (Count 2) Standard Operating Procedure 12.1.1 Policy (Pursuits) Standard Operating Procedure 9.1.5 Use of Physical Force	-Sustained -Not Sustained -Exonerated -Exonerated

You violated Standard Operating Procedure 7.12.7 <u>Strategies & Tactics of Patrol Stops</u> when failed to follow this policy, which could have likely de-escalated this encounter.

You violated Standard Operating Procedure 8.24.3 <u>Special Circumstances (Count 1)</u> when you performed a pat down search on Ms. without her consent and no reasonable belief she was armed and dangerous. You violated Standard Operating Procedure 8.24.3 <u>Special Circumstances (Count 2)</u> when you searched Ms. Jenkins' vehicle without consent or probable cause.

You violated Standard Operating Procedure 3.6.4 <u>Field Interview Procedures</u> when you handcuffed and placed Ms. Standard in the back seat of a police vehicle without reasonable suspicion Ms. The standard committed a crime.

Officer R. Wonke June 8, 2021 Page 2

I understand that you acknowledge this conduct violated our Standard Operating Procedures and are accepting of discipline in this case. I am also guided by the fact this discipline case has been pending more than a year. Based upon these factors and your agreement to the discipline, I am imposing a suspension without pay for 24 hours (3 days) for the above violations. The effective date of this discipline is the date of this correspondence. Therefore, you will begin serving this 24-hour (3 days) suspension without pay from the Louisville Metro Police Department beginning on June 28, 2021.

If you have any questions or concerns, please communicate with your chain of command.

Sincerely,

Erika Shields Chief of Police

Cc: Major A. Brown
Legal Division
Professional Standards Unit
Human Resources
Metro Human Resources

LOUISVILLE METRO CIVIL SERVICE BOARD LOUISVILLE METRO POLICE MERIT BOARD LOUISVILLE METRO MERIT BOARD 517 COURT PLACE, SUITE 501 Louisville, Kentucky 40202

Notice of: PERSONNEL ACTION Name: Officer Raymond Wonka #7751 Classification: Officer Address: Department: Eighth Division YOU ARE HEREBY: (Mark proper action below) Suspended 3 days Dismissed Laid-off Demoted (24 hours) For the following reason(s): (Please provide full details which will enable employee to make an explanation and, in case he/she desires to appeal, will place him/her fairly upon his/her defense. Attach additional pages as necessary.) Per Attached This change becomes effective on the 8th day of June, 2021. (In case of dismissal of a regular employee, the effective date must be subsequent to the date this notice is served.) **LMPD** Appointing Authority Department This notice served on Officer R. Wonka by mai This 8th day of June, 2021. ignature of Individual Serving Notice

Any <u>Civil Service</u> employee who has been DEMOTED, DISMISSED, LAID-OFF OR SUSPENDED IN EXCESS OF TEN DAYS, FROM A REGULAR, NON-PROBATIONARY POSITION, (this includes time served and time withheld) from the classified service may, within ten calendar days from the date such change becomes effective, file written appeal for a hearing by the Louisville Metro Civil Service Board.

Any <u>Police Merit Board</u> employee who has been <u>DEMOTED</u>, <u>DISMISSED</u>, <u>LAID-OFF OR SUSPENDED FROM A PERMANENT</u>, <u>NON-PROBATIONARY POSITION</u>, (this includes time served and time withheld) from the classified service may, within ten calendar days from the date such change becomes effective, file written appeal for a hearing by the Louisville Metro Police Merit Board.

Any Merit Board employee who has been DEMOTED, DISMISSED, LAID-OFF OR SUSPENDED IN EXCESS OF FIFTEEN DAYS, FROM A REGULAR, NON-PROBATIONARY POSITION, (this includes time served and time withheld) from the classified service may, within seven calendar days from the date such change becomes effective, file written appeal for a hearing by the Louisville Metro Merit Board.



LOUISVILLE METRO POLICE DEPARTMENT OFFICE OF THE CHIEF

GREG FISCHER MAYOR

ERIKA SHIELDS CHIEF OF POLICE

June 8, 2021

Ms.
Prospect, Kentucky 40059

Professional Standards Case #19-015

Dear Ms.

The complaint you filed against Officer Raymond Wonka on February 7, 2019, was thoroughly investigated by the Louisville Metro Police Department Professional Standards Unit. The Professional Standards Unit investigation is now complete. The following is my final action in regard to my subsequent investigation in this matter.

Violations of:

Standard Operating Procedure 7.12.7 Strategies & Tactics of Patrol Stops -Sustained Standard Operating Procedure 8.24.3 Special Circumstances (Count 1) -Sustained Standard Operating Procedure 8.24.3 Special Circumstances (Count 2) -Sustained Standard Operating Procedure 3.6.4 Field Interview Procedures -Sustained Standard Operating Procedure 5.1.32 Appropriate Action (Count 1) -Not Sustained Standard Operating Procedure 5.1.32 Appropriate Action (Count 2) -Exonerated Standard Operating Procedure 12.1.1 Policy (Pursuits) -Exonerated Standard Operating Procedure 9.1.5 Use of Physical Force -Exonerated

Due to the above findings, Officer Raymond Wonka will serve a 3-day (24 hours) suspension.

Pursuant to KRS 67C.321 (2), you may appeal my determination to the Louisville Metro Police Merit Board. Questions regarding this process should be directed to the Human Relations Commission at 574-4357.

Sincerely,

Erika Shields Chief of Police

Cc: Legal Division

Professional Standards Unit Human Relations Commission