

PSU Complaint: Amanda Seelye

To the LMPD Professional Standard Unit,

I am initiating a complaint against Amanda Seelye in relation to her conduct associated with the death of my daughter, Breonna Taylor, and the surrounding investigation. Following the catastrophic failures of LMPD members which led to the killing of Breonna, an equally catastrophic failure of LMPD took place when the LMPD Public Integrity Unit disregarded critical policies and procedures related to the investigation of her killing. Namely, Amanda Seelye and her colleagues made the choice to disregard even the most basic and simple requirements.

As the lead PIU investigator, it fell on Seelye to assure that a thorough, unbiased, fair and complete homicide investigation was done into my daughter's killing and the surrounding events. Instead, she conducted and facilitated a biased, deficient, incompetent investigation. Under Seelye's watch, the crime scene was not secured. Evidence was not recovered. Witnesses were not interviewed. Officers were not separated. Tampering was not acknowledged. Untruthfulness was not challenged. Seelye even had the audacity, as an investigator assigned to perform a thorough and fair investigation, to make the two minute presentation to a Jefferson County grand jury within days of the shooting in which she implicated Kenneth Walker for shooting a police officer while omitting critical facts relating to my daughter's death and the surrounding circumstances.

The following reflects information obtained from the LMPD case file, the AG's exculpatory evidence filed with the Circuit Court, the grand jury transcripts or otherwise. If supporting documentation would assist, please do not hesitate to let us know. Anything other than a comprehensive investigation into all actions of PIU within their investigation of everything from the search warrants through the completion of the PIU reports is unacceptable.

INTRODUCTION

As confirmed by experts across the country, Breonna's killing exposed an "encyclopedia of failure" within LMPD, with "relatively small lapses all the way up to potentially criminal misconduct." One expert goes on to note that a "pattern almost seems to be an understatement. If it wasn't so tragic, it would almost be like dark comedy."¹ It was an "example of what the U.S. Department of Justice police investigations describe as 'systemic failures....the culprits include the chief and the commanders of the relevant units.'"² As put more succinctly by your own officers, the policing was "egregious."³

At the time of her death, Breonna was 26 years old. She worked for two local hospitals. She had no criminal record. Breonna's passion was helping others. She was a good neighbor and mentor to young children. Breonna's patients and colleagues from the hospitals describe how she brightened their days and always had a positive attitude. Breonna did not cause problems. She kept a tight circle of friends and family who all looked up to her as a positive light who kept everyone together.

Upon notification of an officer involved shooting, the PIU is responsible for handling the investigation. Rather than doing so in accordance with policy, they immediately became complicit in the cover up. The PIU investigators did not secure the crime scene.⁴ They did not separate the officers. They did not accurately maintain a crime scene log.⁵ They did not timely provide escorts to the officers, or otherwise assure that the escorts had actually gotten with the officers and

¹ Ashley Heiberger, a retired police officer from Pennsylvania now working in federal oversight of law enforcement

² Samuel Walker, policing expert

³ Dale Massey

⁴ Body cam videos confirming involved officers remained on the scene conversing with each other and walking in and out of the crime scene

separated them. The PIU permitted two of the officers to remain at the hospital with Mattingly and converse with colleagues. The PIU did not adequately monitor Detective Hankison prior to or after he disappeared from the scene.⁶ The PIU immediately took the officers at their word on who discharged firearms. The PIU did not perform gunshot residue testing.⁷ The PIU did not image cell phones. The PIU did not have the crime scene unit perform their functions until several hours after the shooting and did not even permit the CSU to come to the crime scene until nearly 5 hours had passed since the shooting.⁸ The PIU did not ask officers about body cameras or attempt to obtain footage.⁹ The PIU did not report the evidence tampering in their investigative reports. The PIU, while promptly imaging the phones of Breonna and Kenneth Walker, did not even obtain officer text messages, call records or location data. The PIU did not search or photograph the vehicles of the officers, other than that of Detective Nobles. The PIU did not procure emails related to the search warrant operation, plans and assignments and make them part of the PIU file.¹⁰ The PIU did not ask the alleged non-shooting officers about their lack of reloads or full round counts. The PIU did not interview critical witnesses or obtain important body camera footage. The PIU did not obtain anything from the MDT's of officers.¹¹ The PIU did not scrutinize information confirming that Mattingly alleged his overtime detail began at 7:30, despite his records not reflecting him at the division until after 11. The PIU did not interview other commanding officers, CID members and, specifically, PBI members who were assigned to go to the briefings for the Elliott and Springfield search warrants. The PIU did not do an arbitrator back end search for cruiser video,

⁶ Hankison's call records reflect no efforts by PIU to contact him

⁷ The LMPD PIU file makes no note of GSR testing

⁸ Investigative reports and body cam video confirm that the CSU went to the PIU office prior to Springfield and did not begin work at Springfield for several hours after the shooting

⁹ Officer interviews and PIU investigative reports

¹⁰ Other PIU case files of LMPD Officer Involved Shootings confirm that emails should be a part of the file

¹¹ MDTs retain a tremendous amount of communications and data

nor did they do a search for audit trails and other actions reflecting the possible existence of important body camera footage.¹² The PIU hid the fact that the officers on scene were in fact issued body cameras, instead misleading the public to believe that none of those on scene at Breonna's had ever been assigned a body camera. The PIU did not produce the full EMS run reports. Incredibly, the PIU created an incident report reflecting that there were no injuries to Breonna and no forced entry.¹³ The PIU permitted the narrative to be published that there could have been drugs and money in Breonna's home which remained there after the shooting, because no search was done which would have identified it. The PIU failed to include in their file that a canine officer was sent to the home well after the shooting and that nothing was identified.¹⁴ The PIU failed to account for the more than 15 bullets that were left unrecovered on the scene. The PIU failed to produce their notes. The PIU failed to obtain and produce SWAT and CID radio. The PIU failed to even ask anyone why officers assigned to Springfield on the whiteboard were allegedly not present. The PIU failed to acknowledge or investigate the body camera video showing the presence of additional people on scene who were calling Hankison by name, only to be told to leave by Hankison. The PIU failed to acknowledge or interview several people on the CAD logs who were reported as being on scene, let alone recover their body cameras. The PIU failed to interview the officers identified on body camera as on scene by the time of Mattingly's arrival at the hospital.¹⁵ The PIU failed to interview the officers identified as being in Mattingly's hospital room. The PIU failed to interview the officers who had dozens of calls and texts with Hankison around the time

¹² LMPD has several mechanisms available to identify the existence of footage from cruisers and body cameras, none of which were employed as part of this investigation

¹³ LMPD incident report

¹⁴ CAD log reflecting K9 officer John Kirk's response to Springfield

¹⁵ Body camera footage depicts several CID members present at the hospital by the time of Mattingly's arrival

of the shooting. The PIU did not secure the firearms of all the officers on scene.¹⁶ The PIU did not secure the rifle being handled by Cosgrove. The PIU did not inquire with Mike Nobles when he only turned in a backup weapon. The PIU did not confiscate his primary firearm. The PIU did not ask any officers whether they were carrying backup weapons.¹⁷ The PIU did not question officers about their inconsistencies in statements. The PIU did not drug and alcohol test officers. The PIU did not question Cosgrove about his location data reflecting a departure from the scene prior to 11:50. The PIU did not question Hankison and Mattingly about arriving to the scene after 11:50, despite the original plan for the warrants to be hit at midnight. The PIU did not inquire into the ambulance being cleared prior to 11:50. The PIU did not photograph the internal examination of the autopsy. The PIU did not provide the KSP pistol examination reports or ascertain the trigger pull weights of the officers' firearms. The list goes on, and is detailed as follows:

1. Search warrant perjury disregarded

The PIU interviewed Josh Jaynes in May, likely only when scrutiny into this case became a subject of national concern. Prior to this point, it appears that the PIU had every intention of sweeping this case under the rug and turning a blind eye to the search warrant issues. In his interview, Jaynes went on to detail the knowledge of Mattingly and Nobles in relation to the search warrant, confirming that both Mattingly and Nobles had been specifically advised that there were no packages going to Breonna's ex-boyfriend at her home. If two of the detectives on scene were aware of this and elected to proceed with the warrant, it raises serious questions about their actions and their decision to proceed with forcibly entering Breonna's home.

¹⁶ In typical PIU investigations where it is unclear which officers discharged their firearms, GSR testing is done, the firearms are all confiscated and the PIU issues loaner firearms from their inventory

¹⁷ Records reflect that all the officers had backup firearms. Hankison and Campbell had 9 mm pistols. The 9 mm pistol of Campbell was a Glock 43, which is the model of Kenneth Walker's pistol

On May 18, PIU investigators interviewed Shively Detective Mike Kuzma.¹⁸ Detective Kuzma was contacted by Detective Mattingly on January 17, 2020 in reference to Jamarcus Glover possibly receiving packages and parcels at Breonna's home. Detective Kuzma completed a search of the address and advised Mattingly that there was no parcel history at the location. Several weeks later, LMPD Officer Kelly Hanna Goodlett contacted Detective Kuzma about the same address. He advised her as well that there was no parcel history at the address. Several days later, Mike Nobles contacted Detective Kuzma about the same address. He advised Detective Nobles of the same information of no parcel history at the address. After the shooting, Detective Kuzma contacted Nobles and asked about the information on the affidavit. Nobles stated he didn't want to get involved.

It is important to note that PIU investigators chose not to question Mattingly, Nobles or Goodlett regarding the claims that they had been advised that no packages of Jamarcus Glover were confirmed to be going to Breonna's.

2. Utter disregard for briefing inconsistencies

On the evening of March 12, LMPD members allege that they were briefed on the search warrants. Their accounts of the briefing, however, suggest that it either did not happen or that it was abrupt and deficient. Depending upon which account should be believed, the warrant for Breonna's home could have been briefed by Josh Jaynes, Wes Barton, Kelly Goodlett or John Mattingly. None of the interviewed officers were presented with a search warrant operations plan to review and sign. None of the officers were presented with a risk assessment matrix. Both are required prior to proceeding to execute a search warrant. All officers do agree, however, that the

¹⁸ Kuzma interview

Springfield warrant was converted to require a knock and announce entry, thus allowing detectives to avoid a mandate requiring execution by the SWAT team. The PIU disregarded the critical nature of the knock and announce requirements and the evidence supporting that there was no announcing. Instead, they publicly announced on March 13 that the officers announced. This was a biased adoption of self-serving officer statements. The reality is that, when the PIU unequivocally told the public that their officers announced, there was not a single independent witness at that point who had indicated that officers announced. Additionally, Kenneth Walker had clearly informed PIU that the officers did not announce. Chelsey Napper had done so as well. This effort of PIU to deceive the public and disregard evidence unfavorable to the officers should not be tolerated. It was further withheld from a grand jury when Seelye gave a two-minute presentation in order to indict Kenneth Walker.

Josh Jaynes states that his partner, officer Kelly Goodlett, did the search warrant briefing to the officers assigned to Springfield, but PIU did not interview Goodlett. Jaynes also states he called Mike Campbell prior to the warrant execution, and that he specifically advised Campbell that Jamarcus Glover had been identified as heading towards Elliott Ave. Despite this, Campbell stated that he believed Glover and Breonna were in the apartment as the team prepared to execute the raid. Neither was challenged on these conflicting statements.

Hankison states that Sergeant Kyle Meany circulated an email earlier in the week seeking officers to assist with search warrants. PIU did not make this email correspondence a part of their investigative file. Hankison claims that the briefing was done around 10 or 11 pm. He states that the briefing went into detail about the other warrants taking place that night, but that little information was given about Springfield. Hankison states that the assignment board for the search warrant at Springfield identified the warrant as a no-knock entry, which conflicts with the

whiteboard produced by LMPD labeling the warrant as a knock and announce. Hankison states he was briefed that a female was located at Breonna's and that she had little or no criminal record and no history of firearms.

Shawn Hoover claims that the briefing occurred at 11 pm. and that it was done by detective Wes Barton. Hoover claims that Breonna was suspected to be alone and that she was allegedly holding Jamarcus Glover's money.

Tony James gave his initial interview to LMPD less than six hours after Breonna was killed. James does not provide a time for the search warrant briefing, but indicates that it was quick. James states that he was assigned with Hoover, Mattingly, Nobles, Cosgrove and Campbell; he does not identify Hankison as part of the initial assignment.¹⁹ James understood from the briefing that Breonna and her boyfriend were at her house.

Mike Nobles' work schedule indicates that his overtime detail on March 12 began at 7:30 pm, but Nobles also states that he didn't arrive at the division until around 11 pm for the briefing.²⁰ PIU made no investigation as to whether overtime was misused. He states that the intelligence given at the briefing was that a woman and her young child were at Breonna's home. Nobles understood from the briefing that Jamarcus Glover was "possibly sourcing dope or money in that place, because he sent some packages there." However, per the testimony of Shively police detectives, Nobles was specifically advised in February that there were no packages addressed to Jamarcus Glover going to Breonna's home. Nobles indicates that he never turned on his radio to monitor any activities prior to the raid.

Mattingly's March 12 timecard reports that he began the overtime detail at 7:30 pm. However, at 8 pm, Mattingly's cell phone location data places him in the Highlands, where he is

¹⁹ Excerpts from Tony James' interview

²⁰ Officer timecards

pinging off the same cell phone tower as Hankison. Mattingly didn't have much information about the briefing, other than recalling that Jamarcus Glover had packages sent to Breonna. But like Nobles, records confirm that Mattingly was previously advised that packages addressed to Jamarcus Glover were not being sent to Breonna's home.

The officers each state that Mike Campbell was not present for the briefing. Campbell was one of the officers on the PBI squad handling the large-scale investigation. The officers claim that Campbell was the verification officer for Springfield, which entailed surveilling Breonna's home for the hours leading up to the warrant. Campbell specifically states in his interview that he believed Breonna Taylor and Jamarcus Glover were at her home together. Thus, it is questionable whether Campbell actually performed the functions of the verification officer.²¹

Luke Phan was Hankison's sergeant. Phan stated that he and two detectives on his squad, Cole Gibson and Vince Dougherty, responded to Springfield following the shooting. Phan stated that the briefings for each warrant location were separate and that "Mattingly and his crew kind of dealt with their own operation there of sort." Phan states the officers believed Springfield was "where the money was."²²

Cosgrove indicates that the warrant plans were briefed at the division around 10 pm. Cosgrove's cell phone location data confirms that he was located in Breonna's neighborhood, which is approximately a twenty-minute drive from the division, prior to 11:30 pm.²³ Thus, he could not have been at the division after 11:15 pm. as it's a 20 minute drive or more to the staging area. Cosgrove's records appear to reflect him in the area of the Springfield staging around 11:30.

²¹ Campbell interview

²² Luke Phan interview

²³ Cosgrove cell phone listing and report of Dan Jackman

At 11:50 pm, Cosgrove's cell phone location data indicates that he had departed from Breonna's neighborhood and was traveling in the Dixie Highway area. PIU sought no explanation for this. Location data places Cosgrove back by Breonna's at 12:37 am. No body camera footage was presented for Cosgrove, despite his plain clothes uniform containing two separate mounts for the cameras and his history of wearing body cameras during search warrant executions.²⁴ PIU made no efforts to identify footage for Cosgrove or discern why none was present, despite his attire clearly reflecting a mount.

PIU made no efforts to independently verify the accuracy of the officer's claims and reconcile the inconsistent narratives of the officers. They were far from uniform on who did the briefings, what was discussed, when they took place and whether assignments were made. This should have been investigated through emails, radio communications on secured tactical channels, surveillance footage, body camera footage and discussions with PBI.

The only documents produced by LMPD in relation to search warrant instructions were two conflicting pictures of a whiteboard. In the first version of the whiteboard, eight names are assigned to the Springfield search warrant: John Mattingly, Mike Campbell, Myles Cosgrove, Tony James, Mike Knobles (later corrected to "Nobles" on the second version), Doerr, King (presumably Collin or Mike) and Brett Hankison. The second version changes the spelling of "Knobles" to "Nobles" and adds Shawn Hoover's name.²⁵ It also adds the name Vidourek to a different location. No efforts were ever made by PIU to determine why two of the assigned officers, Doerr and King, were allegedly never on scene at Breonna's, why the whiteboard was changed, or why four of the listed officers on the whiteboard (Pawul, Winstead, Beckham and Lewis) claim

²⁴ Photo of Cosgrove's body camera mounts

²⁵ The metadata from the whiteboard pictures confirm that they were not taken until a period of four minutes apart on March 20, seven days after Breonna was killed

that they had no involvement with the execution of the search warrants. Again, this was a deficient and biased investigation in which obvious questions were not asked.

3. Failure to acknowledge or investigate staging inconsistencies

Shortly after 11 pm on March 12, LMPD Sergeant Kyle Meany called dispatchers and requested for an ambulance to be staged for the Springfield warrant.²⁶ Meany indicated that the Springfield warrant was set to be hit at midnight. LMPD dispatch records reflect that the ambulance unit was dispatched towards Springfield before 11:15 pm. These records also reflect that this same EMS unit was cleared from the staging scene just before 11:40 pm.²⁷ No investigation was ever made by PIU into the apparent cancellation of the EMS staging. The timing, however, appears consistent with reports from the Attorney General's own investigator (with information obtained by PIU) that LMPD located Jamarcus Glover around this time. Other witnesses confirm that Jamarcus was specifically located, observed departing the Cathe Dykstra residence and heading towards the primary target location on Elliott Ave. None of the interviewed witnesses were ever questioned on this matter. Furthermore, none of the body camera recordings from the detectives involved in this process were produced, despite arrest citations from Elliott Ave. confirming that cameras were activated.

Despite hearing that the warrant would be executed as a knock and announce, James proceeded to take a ballistic shield with him to Breonna's.²⁸ He states that the officers staged and listened to the SWAT radio to discern when the Elliott Avenue warrants were being executed. The SWAT radio was not produced by PIU. Prior to the raid, during the raid and following the raid, James was wearing a shoulder-mounted body camera. He claims that it was not recording. The

²⁶ Kyle Meany phone call recording

²⁷ EMS CAD report

PIU never made any efforts to examine the camera, download the internal memory from the camera, identify the existence of footage, or reach out to Axon/Evidence.com, which is the custodian of uploaded footage, to determine whether it had ever been uploaded to the company's cloud server.

Evidence suggests that Hankison and Mattingly may have diverted to Springfield to join a staging crew after the initial staging had already completed. Hankison was not with other officers at the time of initial staging. At 11:29 pm, his phone records reflect a call with James.²⁹ At the same time, location data indicates that Hankison was travelling in the west end of Louisville in the direction of the warrants scheduled for Elliott Ave. and W. Muhammad Ali Blvd. Following the call with James, Hankison's records confirm that he changes direction and proceeds towards the area of Breonna's, entering Doss High School's address into his GPS.

It is important to note that PIU disregarded the fact that Hankison's GPS reflects that he travelled to Doss High School, rather than to the church where the officers allege the only staging took place.

Location records confirm that Hankison did not arrive for staging near Breonna's neighborhood until shortly after 11:50 pm. This is less than 10 minutes in advance of the originally time scheduled for the warrant as indicated by Sergeant Meany. Officer Hankison's arrival time was also after the EMS unit had been cleared from the scene. No body camera footage was presented for Hankison, despite his assignment of a camera and requirement to wear and activate one as a K9 officer. PIU simply never asked him about it.

Like Hankison, records confirm that Mattingly does not arrive in the area of the staging for Breonna's home until close to 11:50 pm. By this time, EMS had already cleared and it was less

²⁹ Hankison call log

than 15 minutes before the originally scheduled time of the search warrant. No body camera footage was presented for Mattingly, despite his prior issuance of a camera and his requirement to wear and activate the camera during search warrant executions. In later body camera footage of officer Grant Combs, Mattingly can be observed on the ground with a wired device underneath him. It is difficult to discern whether the device is a body camera or perhaps a microphone.³⁰ PIU did not ask about this and did not investigate it.

4. Deficient investigation of events in breezeway

The officers' accounts of the events leading up to the warrant execution are conflicting at best. Mattingly states that it took three strikes with the battering ram for Breonna's door to open. Lt. Hoover indicates that three announcements were made prior to entry. No interrogation was made by PIU into this, which appears to establish that no announcing was made until the battering ram struck the door. This is critical evidence, as it demonstrates that the warrant was not executed as a knock and announce warrant, which required announcing prior to attempting to force entry and affording a reasonable time for the occupant to comply. If announcing was done, but only in concurrence with a loud boom against the door, there would not have been any way for an occupant to discern police presence amongst the loud banging.

Mattingly claims that he barely crossed the threshold and visually cleared the living room. Mattingly states that he then looked down Breonna's hallway and observed a male and female standing next to each other. Mattingly observed that Breonna, who was unarmed and not posing a threat, was to his left. Kenneth Walker, who was to the right of Breonna in the hallway, had a firearm in a shooting stance. Mattingly states that he fired four rounds in response to the shot from

³⁰ Screenshots from Combs' body camera

Kenneth. After firing his shot, Kenneth took cover in the bedroom of Breonna's sister, Juniyah. Mattingly's gunshot pattern confirms that he observed Kenneth retreat into Juniyah's bedroom; there are multiple shots ballistically matched to Mattingly's firearm which went blindly through the living room wall into that room. Thankfully, Juniyah was out of town at the time. Otherwise, I could have lost both my daughters that morning. Mattingly also shot Breonna, despite identifying her as unarmed and not a threat, with at least one round.³¹ The PIU ignored this important evidence, never challenging Mattingly as to why he shot my daughter, despite observing clearly that she was the unarmed, non-threatening occupant.

Two shots were fired into the ceiling of my daughter's home. No efforts were made by PIU to identify why these indiscriminate shots were made, who made them or what justification (there was none) existed for the shots. These shots could have struck an elderly woman, a young child or the child's father.

5. Failure to secure scene

In reviewing the case, nationally regarded ballistics and policing expert Ronald Scott, who worked in law enforcement for four decades and who has worked over a thousand officer involved shootings, stated:

This crime scene processing is so poorly conducted that a department the size of the Louisville Metro Police should be required to immediately institute an accreditation program that would require the oversight of a qualified organization to ensure that the minimum standards are maintained.

The PIU did not perform basic responsibilities. Starting from the shooting itself, PIU permitted at least three officers to leave the scene without being assigned immediate peer escorts

³¹ Ballistics reports from FBI re: DNA

and without consequences. PIU did not assure that there was separation of the involved officers from each other, from others and from the crime scene. Instead remained roaming the crime scene while repeatedly communicating with each other. Even as time passed, they called each other and other officers and spoke by phone. None are observed with peer support at any time.

Over the hours following the shooting, PIU disregarded deliberate efforts made to hinder the investigation. A proper crime scene log was not maintained. Records reflect more than 120 LMPD members arriving at the crime scene. But the crime scene log is nearly empty. The crime scene was not cleared; officers remained within the perimeter throughout the videos. And even when the crime scene log was filled out, it identified the entry of Cole Gibson and Vince Dougherty. There is no time listed. And PIU never interviewed them. Not only should these two never have been permitted to enter crime scene, they should not have been there at all. Cole Gibson is in CID and is close friends with Hankison. Dougherty is in CID as well. They were both allegedly on Elliott at the time of the shooting; the whiteboard identifies them being there. So either they came to Springfield from Elliott (which in and of itself would be odd, choosing to go to Springfield when there is a fallen officer at the ER and when Springfield officers are supposed to be separated), or the documentation is off and they were actually at Springfield throughout the entire time. Patrol body camera goes on to identify Gibson as taking over for Officer Arroyo in walking Kenneth Walker to a cruiser, at which point he slams Walker into the car and injures his arm. This occurred about 12 minutes after the shooting, calling into question how Gibson and Dougherty were able to get to Springfield, park and make it up to the scene so quickly when traveling there from Elliott Ave. The PIU did not inquire into this.

Two peer escorts are reflected on the crime scene log. Yes, only two.

CSU members do not sign in until after 5 am. Yes, the CSU did not even appear on scene until nearly 5 hours after the shooting, because PIU directed them to go to the PIU office first.

Frankly, the complete failure of PIU and command staff to secure the Springfield crime scene, secure those who were on scene and ensure prompt responses from escorts and CSU specialists was egregious.

No efforts were made to identify and procure body camera footage from those on scene at the time of the shooting. Involved officers were not separated or removed from the scene. They were not provided peer escorts. No reference was made to the two additional officers who were assigned to execute the warrant; to this date, neither have been interviewed.

Hankison and Hoover entered the crime scene repeatedly, canvassing the scene with their flashlights and observing the evidence. In the body camera footage of SWAT team members, officers are observed identifying and counting out multiple shell casings and projectiles inside Breonna's home. Subsequent footage from SWAT members shows a member pointing out the shell casings and projectiles to Hankison. SWAT then released the apartment to Hankison's sergeant, Luke Phan, rather than to PIU or a member who did not have a connection to those involved in the shooting. By the time the interior of the apartment was photographed by PIU, there were no longer shell casings or projectiles inside the area of the home in which they were pointed out by SWAT. PIU never challenged this with Phan or others.

After the shooting, members of Hankison's squad entered Apartment 3, where several of Hankison's rounds were eventually identified. Phan and Campbell interviewed neighbors following the shooting. Again, these were members with direct involvement or relation to the shooting who were conducting tasks which were to be directed by PIU.

At least three of the involved officers left the scene on their own without escorts. Three hours then passed between the shooting and any of the officers arriving at the PIU office. No gunshot residue testing was done. Interviewed officers were not asked about body cameras. Officer cell phones, many of which were LMPD property, were not confiscated or forensically imaged. Key witnesses were not interviewed. The LMPD Crime Scene Unit, for one reason or another, did not photograph the crime scene until more than six hours after Breonna was killed. Ultimately, the Crime Scene Unit only processed 15 bullets recovered from the scene. There were 33 or more shots fired.³²

PIU investigators took photographs of the crime scene early in the morning. By the time the Crime Scene Unit took photos of the scene after sunrise, shell casings were moved and replaced.³³ The Crime Scene Unit photos after sunrise are the first depictions of the bullet which is apparently alleged to have struck Mattingly. Prior photos and body camera footage do not show a bullet in this location.

When patrol officers arrived on scene at Breonna's, Cosgrove had an assault rifle in his possession.³⁴ LMPD did not confiscate this firearm, did not unload it for a round count and did not question Cosgrove at all about whether he used it. One of the witnesses in the neighborhood confirmed in an interview that he recovered an assault rifle casing adjacent to his vehicle later in the day of the shooting.

Nobles was the last of the officers to arrive at the PIU office. He turned in his backup firearm and did not turn in any reloads.³⁵ Nobles' primary firearm was never confiscated. Nobles

³² CSU log

³³ PIU and CSU comparison photos

was the only one of the alleged non-shooting officers to wait 48 hours to provide an interview. He was not wearing the outer shirt at the PIU office that he was wearing on scene, despite the requirement for him to do so.³⁶ Nobles stated that he observed Mattingly get shot, with blood accumulating everywhere by the doorway (there is no blood there). But he stated that, rather than assist Mattingly, who was his boss and close friend, he instead turned around and began to flee. Nobles stated that, in the process of fleeing, he ran into a satellite dish below the stairwell. This satellite dish is actually outside of the breezeway and in front of Juniyah's bedroom window, which is 25 feet away from the stairwell. Body camera footage from other officers arriving on scene reveal that Nobles was fearful, standing alone and not assisting Mattingly while all other officers were either tending to Mattingly or securing the residence.³⁷ Minutes later, Nobles advised those arriving at the scene that a heavysset female was shot in the hallway.³⁸ This was not a known fact to several other officers on scene and it is unclear as to how Nobles would be aware of this information while also claiming later that he did observe any gunfire. None of this was explored by the PIU.

There is footage showing Shawn Hoover and Brett Hankison walking around the crime scene, identifying evidence and communicating with other uninvolved officers near the entry of the home. Shawn Hoover and Brett Hankison are observed together for lengthy periods of time and going through the scene with flashlights.

Notably, in SWAT body camera footage, Hoover is seen canvassing the parking lot with a flashlight on the ground, clearly looking for something to recover. When asked about it, Hoover states that he is looking for Mattingly's cell phone. However, by all accounts, Mattingly's cell

37 Officers Combs and Rucker footage

38 Officer Gida footage

phone was not left at the scene; it is plausible, and perhaps likely, that the search was in fact for body cameras or projectiles. Either way, Hoover, as an involved officer, should not have been canvassing the scene to identify and remove evidence. PIU did nothing to investigate this matter.

Hankison is observed several times approaching the residence and even enters the residence on at least one occasion while SWAT members are inside. Records reflect that Hankison was permitted to remain at the hospital with other CID members, and without an escort, despite his involvement in the shooting. Even the chief of police was shocked that Hankison was not separated and escorted to PIU.

Footage exists showing Campbell going to upstairs apartments, where he is getting statements from neighbors after the shooting. Footage exists showing Hankison leaving the front of Breonna's and engaging in an act which appears to be removing a metal object, such as a shell casing, from his pocket and dropping it in the breezeway. Footage also shows members of Hankison's unit, including his sergeant, entering a neighbor's apartment. Footage appears to reflect the voice of the lead PIU investigator, Amanda Seelye, asking Hankison's sergeant for the whereabouts of Hankison and then permitting Hankison's sergeant, Luke Phan, to remain present by the entrance of the apartment (rather than having it secured by PIU). Incredibly, the apartment is released to Phan, who clearly has a personal interest and bias associated with the incident and should never have been the individual assigned to secure a residence in which one of his own officers had just unloaded at least 10 gunshots. Phan, who was apparently both a SWAT member and a CID sergeant, claims he not wearing a body camera. This was never challenged by PIU, despite the requirement that SWAT members were required to always wear body camera.

Records confirm that Hankison and Cosgrove were consistently using their phones and communicating with others after the shooting. Meanwhile, the scene remained unsecured, with

PIU ordering the crime scene unit to meet at the PIU office before going to the crime scene. So for multiple hours, the scene lacked control and evidence had not been preserved or processed. The fact that the crime scene unit was not even at the crime scene for several hours, and that they were advised to go somewhere else first, is problematic. The fact that this was a result of PIU's instructions is intolerable.

6. Failure to recover radio, audio and MDT communications

Several interviewed officers identify that communications leading up to the shooting were made on secured CID and SWAT channels. The PIU did not produce these communications. They potentially made no efforts to obtain these recordings. This is critical evidence. The communications would potentially identify whether surveillance was indeed conducted, what was observed, whether the Springfield warrant was cancelled, the communications between the officers in relation to the warrant and which officers were on scene.

No in-car recorded audio was recovered by PIU. No MDT communications were recovered and no MDT terminals were secured and downloaded. No radio communications were even recovered confirming that Metrosafe and the radio room were advised in advance of the warrant that the Springfield warrant was taking place.

7. Failure to perform additional required investigative tasks

SWAT officers on camera identify multiple casings and slugs inside approaching the front door and indicate that they all appear to be 9 mm. By the time Phan leaves the apartment and it is turned over to PIU, this evidence is gone. Nothing is ever asked about this by PIU.

Officers do not arrive at PIU for several hours. Despite this, none of the peer escorts were interviewed to discern why this process took so long and why the officers were not separated and

immediately transported. No gunshot residue testing appears to have been performed on any of the officers, despite the PIU standard for all on scene to have GSR testing.

Myles Cosgrove's rifle is not confiscated and no ammunition unload is made from it.

PIU operates immediately under the assumption that Hoover, Nobles, James and Campbell are not suspects or subject to investigation, advising each of them the same as part of the preface to their statements. There was no basis for making this initial statement advising them that they were no subjects of the investigation.

None of the officers are asked why they are not carrying a full magazine plus one in the chamber. Per most law enforcement, officers carry a full magazine plus a live round in the chamber. However, this was apparently not the case for Campbell, Hoover or James.

PIU never asks James about his body camera. PIU never asks the others officers about body camera, despite all of them other than Nobles having a record of being issued a body camera prior to March 13. It should also be noted that Mike Nobles began working off duty security for New Directions in January 2020. As a condition to this employment, Nobles would have been required under LMPD policy to be issued a body camera.

None of the officers are ever asked to reconcile why the warrant whiteboard identifies two additional individuals for the warrant who are not identified as present. Neither of these officers are ever even interviewed on the matter.

8. Failure to recover cell phone evidence

As PIU is well aware, objective evidence trumps memories and self-serving statements. Some of the most critical evidence comes from cell phones. But the PIU ignored the importance

of cell phone evidence, choosing not to secure extractions of phones even after we demanded the same following my daughter's killing.

LMPD's policies indicate that cell phones issued to officers are LMPD property which are subject to examination. LMPD has kiosks which allow for prompt extractions of the phones, providing invaluable evidence as to communications and locations. Dan Jackman, a former mobile forensics specialist with LMPD, confirmed that, following an officer involved shooting, protocol entails promptly gathering officer phones and extracting them before critical evidence is lost. This did not take place.

Two weeks following the shooting, we sent a formal request for the phones of all officers on scene at Breonna's to be extracted. This also did not take place. PIU did, however, recover the phones of Breonna and Kenneth Walker from the shooting scene and promptly perform full extractions of all the data on both those phones.

Records confirm that in June, investigators from PIU finally collected some of the officers' phones and transported them for forensic extraction. None of the evidence extracted from these phones was made part of the PIU file. In fact, no officer cell phone evidence at all was presented to the Commonwealth Attorney's office or other prosecutors by PIU. Cell phone forensic experts agree that this failure to obtain or present evidence of this nature is shocking.

Within the LMPD investigative file, there are general phone call and location coordinates for the phones of Hankison. The records encompass the 48 hours surrounding Breonna's death. In just the six hours following the shooting, Hankison had more than 120 calls and text messages. None of the messages were made part of the PIU file. The PIU made no efforts to interview those who were messaged and called, let alone recover the communications. Records from Myles

Cosgrove's phone also reflect several communications with individuals who were not interviewed, by PIU.

Within the hours surrounding the search warrant execution, Brett Hankison, Myles Cosgrove and/or John Mattingly spoke or messaged with the following officers. These conversations should have been be obtained, text messages recovered and these officers should have been interrogated to discern what was being planned and what in fact occurred. If officers were unwilling to voluntarily turn in the devices for extractions, search warrants should have been obtained.

- a. **Justin Harrod** - 12 calls/messages with Hankison and Cosgrove. Cosgrove speaks with Harrod twice within the 30 minutes following the shooting. Cosgrove then speaks with him again, on a 23 minute phone call, at 6:57 am.
- b. **Brad Beckham** - five calls with Cosgrove; 21 calls and texts with Hankison.
- c. **Wes Troutman** - 24 messages with Hankison. Troutman is also observed on body camera at the scene of the hospital when Mattingly arrives.
- d. **Matt Bower** - 13 messages with Hankison.
- e. **Jason Winstead** - 11 messages with Hankison. Winstead is also observed on body camera at the scene of the hospital when Mattingly arrives.
- f. **Derek Brooks** - 11 calls and texts with Hankison.
- g. **Mike Kuzma** - Several calls and texts with Hankison.³⁹
- h. **Mark Oerther** – 11 calls and texts with Cosgrove, including a 41 minute phone call beginning at 4:37 am.
- i. **Jeff McCauley** – calls with Hankison.
- j. **Joe Tapp** – calls with Cosgrove.
- k. **Brian Bailey** – calls with Cosgrove.

³⁹ Officer Hankison spoke with Shively Detective Mike Kuzma several times within the hours after the shooting. The PIU failed to discuss this with Detective Kuzma when they interviewed him previously. Officer Hankison and others within LMPD were under policy requirements to not discuss the incidents with each other, or without outside agencies. However, it appears that this is exactly what was taking place.

- l. **Kyle Meany** –Meany was also the sergeant responsible for the search warrant operations. Meany and Cosgrove speak for nearly 15 minutes beginning at 6:42 am.
- m. **Mike Pawul** – several texts with Hankison. Pawul is also observed on body camera at the scene of the hospital when Mattingly arrives.
- n. **Richard Weido** – several calls and texts with Hankison leading up to the shooting. Worked on same squad as Hankison. Lives right down the road from him.
- o. **Jonah Kiper** – several texts with Hankison.
- p. **Jarod Hummer** – several texts with Hankison.
- q. **Daryl Neese** – multiple calls and texts with Hankison.
- r. **Matt Chaudoin** - multiple calls and texts with Hankison.

Some of these LMPD members still had some of their texts with Hankison, but most of the messages were not produced. Messages from LMPD member Daniel Lewis were preserved, but the PIU did not make them part of their file or even produce them as part of the files made public. An extraction of Hankison's phone following the shooting would have recovered most, if not all, of these communications.

Hankison and Tony James, both of whom were involved in the shooting, messaged each other six times within the hour following the shooting. These messages were also not made part of the PIU file. The fact that none of the more than 160 LMPD officer text messages sent to and from Hankison within the 12 hours surrounding Breonna's killing were included within a PIU investigation, yet the complete imaging of Breonna's phone and Kenneth Walker's phone were done shortly the shooting and made part of the file, raises a serious red flag as to the integrity of the PIU investigation.

Hankison's cell phone activity reveals non-officer witnesses as well. He had a lengthy phone call with a 23-year-old female once he arrived in Breonna's neighborhood. Hankison

communicated with this young woman multiple times before and after the shooting. Officer Hankison also communicated with his girlfriend repeatedly before and after the shooting. None of the messages were produced and neither the 23-year-old nor Hankison's girlfriend were interviewed by PIU.

PIU's deliberate decision to not obtain cell phone evidence from CID members was biased, one-sided and a willful neglect to perform the job objectively and thoroughly. Dan Jackman, a former LMPD cell phone forensics analyst, confirmed that on prior cases in which there was a demand for preservation, the LMPD issued phones were immediately extracted at kiosks and images were preserved. This is standard. And elementary. PIU's failure to do so was willful.

9. Failure to identify others on scene

The warrant whiteboard identifies LMPD members King and Doerr as assigned to Springfield. Incredibly, PIU did not take their statements and did not ask a single LMPD member why they were specifically assigned to this location, yet apparently were not there. Obvious questions exist about this assignment, their whereabouts and their potential body camera footage.

Additionally, the footage of former LMPD officer Josh Rucker was not scrutinized. Rucker is the second uniformed officer on scene. As he arrived at the scene, a white car pulled up behind cars parked on the street near Breonna's home. From the car, an individual shouted, "Brett (Hankison), hold on." Officer Hankison is heard responding, "Get out of here." When the voice from the white car attempts to speak again, Hankison cuts him off, stating "I don't give a fuck. Get out of here." The car then proceeds to turn around and exit.⁴⁰ The PIU never made any efforts to

⁴⁰ Rucker body camera footage

identify these individuals who left the scene. **It is important to note that Seelye omitted this information from her investigative record and instead simply indicates the following from viewing the Rucker footage:**

Officer Rucker drove code 3 for 1 minute and 52 seconds (1:52) before arriving on scene. Officer Rucker deployed his rifle from his vehicle and walks up the sidewalk across the street from the target location. Officer Rucker loads is rifle and walks close to the scene and an unknown officer advised him which apartment was the target apartment.

Seelye doesn't even acknowledge that it was clearly Hankison on the video advising Rucker of the target apartment.

Many of Seelye's additional narratives in relation to body camera footage are equally deficient.

Officer Martin responds code 3 to the scene for 26 minutes and 5 seconds (26:05). Video ends at 27 minutes and 22 seconds (27:22).

Nothing further to report.

10. Failure to investigate existence of WVS footage

Following the shooting, PIU announced that none of the officers on scene were issued body camera equipment. Since that time, evidence has come out confirming that at least six of the officers were in fact issued body cameras prior to the shooting. PIU then modified its statement, claiming that none of them were activated at the time of the raid. On August 27, 2020 LMPD provided the following body camera information:

- Shawn Hoover: Camera Assigned at some point prior to 3/13/2020
- Michael Campbell: Camera assigned prior to and on 03/13/2020
- Anthony (Tony) James: Camera assigned prior to and on 03/13/2020
- Brett Hankison: Camera assigned prior to and on 03/13/2020

- Myles Cosgrove: Camera assigned prior to and on 03/13/2020
- Mike King: Camera assigned prior to and on 03/13/2020
- Josh Doerr: Camera assigned prior to and on 03/13/2020
- Kyle Meany: Camera assigned prior to and on 03/13/2020
- Michael Nobles: No videos in system ever on or prior to 03/13/2020: unable to determine if camera assigned on 03/13/2020
- Jonathan Mattingly: Camera Assigned at some point prior to 3/13/2020; unable to determine if camera assigned on 03/13/2020
- Kim Burbrink: Camera Assigned at some point prior to 3/13/2020; unable to determine if camera assigned on 03/13/2020.⁴¹

Rather than investigate the existence of footage amongst these officers, PIU simply accepted it as true that none existed. Prior search warrants involving some of the involved officers confirmed that body cameras were worn on those occasions. But they were not questioned on body camera usage and existence. PIU has step by step instructions detailing how to identify body camera footage through the Evidence.com software and the manufacturer of the cameras. Information could have been discerned relatively easily as part of a law enforcement investigation. It appears this was not done.

PIU did not obtain or include within their file the footage from detectives and SWAT members who were at the warrant briefings or the scene of warrant executions. The Elliott Ave. arrest citations confirm that footage existed, but PIU deliberately sidestepped obtaining it. Presumably, the footage contains important evidence from the officers. In particular, the responses and reactions of the officers at Elliott to notice of the shooting would be pertinent. Did they even

⁴¹ Correspondence in response to Open Records Request seeking body camera footage information

know a warrant was being executed at Springfield? Were the officers listed as assigned to Elliott actually on scene at Elliott? Did any of the officers on scene at Elliott speak with those on scene at Springfield and discern what took place? Was Detective Doerr, who was assigned to Springfield yet appeared on documentation related to Elliott, at Elliott at the time of the shooting? The complete footage of LMPD K9 officer Jeremiah Nimmo was not made a part of the PIU file. LMPD body camera systems, when activated, record 30 seconds in advance of the recording button being pressed. The first 30 seconds, however, do not record audio. Officer Nimmo's body camera footage begins with audio.⁴²

I specifically demand that you pull and investigate the audit trails from all of these cameras, especially for March 12-13, as well as any other records related to their cameras and uploads, to determine whether footage was recorded that morning and, if so, why it was not obtained or otherwise withheld by PIU. I also demand that you pull and investigate whether any of these officers have been issued new cameras since the shooting, or have otherwise reported their cameras as lost, malfunctioning or destroyed. If they were truly there for legitimate purposes, then they should have recorded. As a canine officer, Brett Hankison in particular should have been recording. Your own prior search warrants confirm that Myles Cosgrove and Michael Campbell routinely record footage during search warrant executions. And Cosgrove had body camera mounts attached to his vest that night. I also demand that you pull the body camera footage of Josh Doerr, Mike King, the CID members at Elliott and the complete footage for Jeremiah Nimmo for March 12 and 13. PIU deliberately withheld footage from Nimmo. His body camera footage which was produced

⁴² Nimmo body camera footage produced in PIU file

specifically begins without a 30 second soundless delay, confirming that the recording began prior to what was produced. This is one of the many impediments in the investigation caused by PIU. `

Additional WVS appears to have been withheld from those whose footage would be pertinent, including but not limited to the following:

- Brent Jones
- Michael Jackson
- Jordan Moynaugh
- Ed Johnson
- Gerald Huckleberry
- Luke Phan
- Clinton Brake
- Vince Dougherty
- John Benzing
- Jeff McCauley
- Paul Neal
- Daryl Neese
- Curt Flynn
- Jonah Kiper
- Wes Troutman
- Youssef Mattiche
- Chris Priel
- Jonathan Haywood
- Collin King
- Alexis Fliege
- Nichole Pavlak
- Michael Wild
- Josh Jaynes
- Joseph Vidourek
- Wes Barton
- Kyle Meany

The iLeads report and CAD logs specifically identify many of these members as on scene. Others are identified on the whiteboard as assigned to the concurrent warrants.

It is important to note that Seelye reports in her “Body Camera Viewing” report, in which she documents summaries of the footage she watches, that Clinton Brake does not have body camera. It makes no sense that he would be included in a report for body camera views, only to not have a body camera. Furthermore, Seelye notes that Brake responded to the scene and assisted in escorting EMS with Mattingly to the hospital, noting that Brake is a 2nd division detective. PIU did not address the fact that 2nd division members were assigned body cameras. They also did not address that the second division is a decent distance from Springfield and that it would be very difficult for Brake to have left his division, respond to Springfield and make it in time to escort EMS. Lastly, if Brake was escorting EMS, he would have presumably been doing so in a marked LMPD cruiser, yet no efforts were made to identify and recover dash camera footage. Seelye willfully disregarded basic investigative tasks.

11. Failure to recover additional footage

In addition to potential WVS, PIU investigators deliberately ignored the importance of recorded media from other sources. No efforts were made to recover video footage from the following locations:

1. The Edison Center, which has several cameras that capture the location where the warrant briefings were held. This would show presence of LMPD members, times of arrival and times of departure.
2. The liquor store and adjacent church on St. Andrews Church Road. This footage would have captured the staging, members present, times of arrival and times of departure.
3. Doss High School. As the phone records of Detective Hankison confirm, he made an entry of Doss High School, rather than the church or liquor store, when departing for that area. Nothing was investigated to discern whether secondary staging was performed.

4. Springfield Apartments. Breonna's complex has security cameras. Footage was never recovered, despite its critical important.
5. Elliott pole camera footage. Given the discrepancies regarding the presence of certain LMPD members at certain locations, this footage was critical to identify which officers arrived at Elliott, their times of arrivals and their actions.
6. Other cameras along the route of the locations traveled leading up to and following the shooting. There are large discrepancies between the officers regarding times, locations and actions leading up to and following the shooting. Cameras exist across the city for LMPD through Metro Watch, RTCC, pole cameras and business/residences. None were obtained to identify the routes of officers, the times of arrivals and, following the shooting, the actions of Brett Hankison.
7. The responding PRP paramedic who attended to Mattingly. PRP medics routinely wear cameras on their helmets.

12. Ballistics evidence was willfully ignored

PIU members did not recover bullets from walls. Yes, I am being serious. PIU left bullets in the walls of Breonna's home. In total, PIU failed to recover at least 18 bullets at Breonna's. There were several shots fired which passed through the floor. PIU did not recover those projectiles. PIU did not recover bullets fired through the ceiling, let alone ask officers for the source of those shots.

PIU members did not even process Cosgrove's assault rifle, despite body camera footage revealing him carrying the rifle throughout the parking lot, taking position with it and aiming it at Kenneth Walker. PIU members failed to recover one or more assault rifle casings from the parking lot. They overlooked at least one 9 mm shell casing from the rock bed adjacent to the porch of Apartment 1, and then failed to have ballistics run on that casing.

Ballistics evidence, as confirmed by experts, shows that Breonna was on the ground when shots were fired at her. PIU failed to identify this critical fact within their investigation. They also failed to challenge officers on this. Per the autopsy, the shot that killed Breonna, which struck her

above the left breast, was fired at a downward trajectory. The PIU omitted this fact in its investigation as well.

13. Gunshot Residue and Firearms Testing

LMPD's PIU, as part of the officer involved shooting, never indicated whether it conducted gunshot residue testing on the officers. They did not request for KSP to perform gunshot residue testing on Mattingly's clothing. This testing would be critical for a ballistics expert to analyze whether Mattingly's gunshot wound was caused by Kenneth Walker.⁴³ No testing was done on Mattingly's wallet. In fact, no photos were taken of one side of the wallet despite the claim that the bullet which struck Mattingly had traveled completely through the wallet. The issue of whether the wallet actually incurred a pass-through shot is of vital importance. If it did not, then questions exist over the location of the bullet and the source of the gunshot which struck Mattingly's thigh. Kenneth Walker only fired one shot; if Mattingly was shot twice, in similar locations, then it further supports the argument that Kenneth Walker did not shoot him. It would also implicate the officers, as well as the forensic medical examiner, EMS responders and the police investigators themselves, for knowingly lying about pertinent facts surrounding a law enforcement investigation.

When firearms were inspected by PIU, several matters were deliberately overlooked. For starters, Nobles did not turn in his primary firearm. Instead, he turned in a backup firearm. This was not questioned. Lt. Hoover turns in no reloads (policy violation), has a band aid on his hand and has what resembles a powder burn on his finger.

⁴³ Ballistics expert



It is important to note that PIU investigators made no mention of the missing ammunition, made no inquiries into the hand injury, disregarded the powder burn and did no GSR testing on Hoover.

PIU also disregarded other signs of blood and physical injury. Hoover had cuts and scrapes to the back of his scalp.



Nobles had significant burns and cuts to both knees:



James had cuts to his hands and arm.



Cosgrove had a bloody taser.



The PIU chose to not bring involved officers into the station for several hours and did not even investigate the source of these injuries and blood. The PIU did not confiscate Hoover's firearm or the firearms of Nobles, James and Campbell.

PIU also failed to obtain or otherwise present the trigger pull weights of the officers' pistols. This, again, is critical evidence. The officers were required to maintain a specific, standard trigger pull weight. Given the number of shots from each officer, many of which appear to have taken place well after the single initial shot of Kenneth Walker, it is important to know whether overly sensitive firearms may have played a role in the number of shots. When asked whether the

officers modified their own trigger pulls, investigators stated that it was never tested and that they did not know. This is despite records from prior KSP firearms testing in other cases confirming that trigger pull testing is standard and routine.

LMPD's records include firearms qualifications. According to the records, Detectives Hankison, Mattingly, James, Nobles, Doerr, Burbrink and Beckham, each of whom had an active, passive or assigned role in the warrant executions, did not have a 2020 firearms qualification. PIU members never asked about this and never attempted to discern whether officers involved in a shooting were even qualified to do so.

14. Failure to photograph internal examination of the body at autopsy

PIU members attended the autopsy. Despite standard protocol requiring their members to photograph the external and internal examination of the body, they did not produce photographs of the internal examination. This fact is disturbing, given that Breonna had been considering pregnancy and was late on her period. No photographs were taken of the removal of the projectiles from Breonna, which again violates protocol. The internal examination photos, while difficult to stomach, are of critical importance. They would reveal whether bleeding and additional injuries existed along the wound paths. They would reveal the full extent of the fractures to Breonna's foot.

It is important to note that the full body x-ray photos do not even extend to the foot.

PIU advised prosecutors that Breonna was likely she was already deceased when shots from outside shots were fired. This is simply not true. Breonna's autopsy confirms that there was bleeding present upon all wound paths caused by gunshots.⁴⁴ If she was deceased at the time of

⁴⁴ Autopsy report, available upon request

any of these shots, her heart would have stopped and bleeding would not be present. PIU did not confirm this fact as part of its investigation.

15. Failure to perform drug and alcohol testing

Under the LMPD FOP contract and lawful authority, PIU had the ability to drug and alcohol test its officers. They clearly observed a chaotic scene with a barrage of gunshots, blind firing into windows and doors, a disheveled breezeway with Christmas tree pieces, lights and other things everywhere. PIU heard immediately a conjured narrative of a person within Breonna's shooting at them with an assault rifle while barricaded. Three known detectives left the scene of the shooting, including one (Hankison) who did so without affording notice of the same. The warrants were executed after midnight. The detectives had plenty of time to kill leading up to them. None of the stories matched up. The scene was not secured. The detectives were actively engaging in actions which were gross violations of known policy; they were speaking with others, canvassing the crime scene, using their phones to talk to colleagues and giving false information to commanding officers. Despite this, PIU did not seek a single drug or alcohol test. The FOP contract permits it. The law permits requesting consent for it. Probable cause existed for a search warrant for blood if the detectives refused. PIU's inactions here, as well in so many other respects, demonstrate that the LMPD will do whatever necessary to protect its own in situations such as this.

16. Failure to properly investigate potential alcohol consumption

In August, we obtained information suggesting that multiple officers involved in the search warrants may have been consuming alcohol at a bar on Dixie Highway earlier in the evening. The owner of the bar confirmed that LMPD investigators visited the establishment after the shooting to determine whether surveillance footage existed. By that point, the footage had looped.

It remains a mystery to this day as to why LMPD would send people to Khalil's on Dixie Highway following the shooting, request whether footage existed and not ask any other questions. PIU did nothing to follow up on the issue, even though a simple review of credit card receipts could have potentially identified LMPD members and any members of other agencies, such as Shively, who were also present.

17. Willful failure to interview critical witnesses

LMPD PIU members conducted a deficient canvass for neighborhood witnesses, speaking with hardly any neighbors following the shooting. The PIU file reflects conversations with 5 people: Deja Moore, Aaron Sarpee, Renee Pruitt, Elaine Williams and Stanley David. When the FBI canvassed the neighborhood two months later, they spoke with at least 30.

PIU members also did not speak with Kiera Bradley. Leading up to March 12, PBI detectives drafted at least six no-knock search warrants (which initially intended to execute simultaneously) as part of their investigation into Jamarcus Glover. One of the warrants was for a residence on Cathe Dykstra Way, which is approximately 5 miles from Elliott Ave.⁴⁵ This residence belonged to Kiera Bradley, who is the mother of Jamarcus Glover's daughter. LMPD detectives identified Bradley as an additional target of the investigation in early February, citing her as a "drug trafficker" who was being investigated for both trafficking and money laundering.⁴⁶

Within the draft of the warrant for Bradley's residence, the detectives stated:

"3414 Cathe Dykstra is the main residence for Jamarcus Glover and (he) does not claim this as his residence in order to avoid detection from law enforcement. Affiant believes that Mr. Glover might keep narcotics and/or proceeds from narcotics for safe keeping at this location."

⁴⁵ Draft warrant for Cathe Dykstra

⁴⁶ Grand jury subpoena for Bradley's bank records

Given this assertion, it was nonsense for PIU to somehow accept that Breonna's home was Jamarcus Glover's home and that narcotics and money were being stored there when detectives had already stated that Ms. Bradley's home was Jamarcus's residence and that it was the suspected location for his dope and cash.

On March 12, PBI detectives proceeded with obtaining the search warrants for Elliott Ave., W. Muhammad Ali Blvd. and Springfield (Breonna's home). It is unclear why detectives did not proceed with obtaining a search warrant for Cathe Dykstra, yet continued to obtain one for Breonna's. Jamarcus was living on Cathe Dykstra and was physically present at Cathe Dykstra on March 12. Detectives even located him there and waited for him to proceed to Elliott. Meanwhile, Breonna had not seen or spoken with Jamarcus within the month leading up to her death. **It is important to note that this was never challenged by PIU.**

In addition to the neighbors and witnesses identified by cell phone records, there were several additional important witnesses who were not interviewed by PIU.

- a. **Doerr and King** – Doerr and King (presumably Collin or Mike) were assigned to the warrant for Breonna's home. They are listed on the whiteboard. But they were never interviewed. Obvious questions exist about this assignment, their whereabouts and their potential body camera footage.
- b. **Kim Burbink** - Burbink was the Major of the division responsible for the operation. Mike Nobles and Shawn Hoover both state they spoke with her shortly after the shooting.⁴⁷ The police chief notes that Brett Hankison was with Burbink at the hospital. Burbink is also Hankson's neighbor and former beat partner.⁴⁸ The

⁴⁷ Officer interviews

⁴⁸ Hankison personnel file

records in the file, which were not presented to the grand jury, reflect that Major Burbrink came Hankison's defense on multiple occasions during the investigation and insisted on being present for internal discussions regarding the investigation.⁴⁹

Major Burbrink has since been reassigned from her position and an internal investigation has been opened on her, yet neither agency ever interviewed her.

- c. **Kyle Meany** – Meany was sergeant responsible for overseeing the operation. Meany called for the ambulance staging at Springfield; this call was never played for the grand jury, despite its relevance in refuting the contention that John Mattingly that called for the ambulance staging. Meany allegedly sent an email earlier in the week seeking officers to work the overtime detail for the warrants.⁵⁰ This was never presented to the grand jury. Meany speaks with Cosgrove by phone following the shooting. He also presumably has knowledge about the ambulance staging at Springfield being called off prior to 11:40 pm, as reflected on a CAD log.
- d. **Wes Barton** – Barton allegedly briefed the officers, according to Hoover and James. Barton was part of the unit overseeing the operation. Barton also had body cam for footage which was never produced.⁵¹ Witnesses confirm that Barton identified the main target of the investigation prior to midnight at a time which coincided with the ambulance being cleared from the Springfield warrant staging.
- e. **Kelly Hanna Goodlett** – Goodlett drafted the whiteboard which officers now claim was the search warrant operations plan. Per LMPD detective Josh Jaynes, Goodlett briefed the officers on the warrants.⁵² Hanna wears a body camera, but the majority

⁴⁹ PIU investigator Jason Vance report

⁵⁰ Hankison interview

⁵¹ 2424 Elliott arrest citation

⁵² Josh Jaynes interview

of her footage was withheld by LMPD.⁵³ The only footage produced was for a brief period which occurred several hours after the shooting. Hanna was one of the individuals advised before the warrant that no packages were going to Breonna's home.

- f. **Vince Dougherty** – Dougherty was on scene after the shooting with Gibson, and was perhaps there at time of the shooting; Dougherty is on Hankison's squad. He performed a scene canvass with Luke Phan following the shooting.
- g. **Cole Gibson** – Gibson was identified by Cosgrove as present with John Mattingly earlier in the evening.⁵⁴ Gibson was also on scene at Springfield early, perhaps even at the time of the shooting. Gibson is on body camera escorting Kenneth Walker to a patrol car and then injuring Walker when they reach the car.⁵⁵ Gibson is on Hankison's squad and had several communications with Hankison leading up to the shooting and following the shooting.⁵⁶
- h. **Kevin McKinney and Steve Healy** – McKinney and Healy are both identified as being at the hospital with John Mattingly in his room.⁵⁷ Healy was observed at the hospital talking in a circle with Officer Mike Nobles, Major Kim Burbrink and Tony James.⁵⁸
- i. **Dr. Bill Smock** – Dr. Smock is LMPD's surgeon and forensic medical examiner. He examined Officer Mattingly and photographed his wound and clothing. Dr. Smock was never interviewed about the injury or asked to explain why he only

⁵³ LMPD PIU file, containing only a short clip of Goodlett body cam

⁵⁴ Cosgrove interview

⁵⁵ Body cam from multiple officers

⁵⁶ Hankison call log

⁵⁷ Hankison interview

⁵⁸ Doug Brooks report

photographed one side of the wallet, yet did not photograph the side of the wallet which appears in PIU photographs to lack an exit hole indicative of a pass-through shot.⁵⁹ He was also never asked to explain why he allowed an involved officer to take the wallet and other evidence with him, rather than leave it to be secured by the crime scene unit.

- j. **Josh Judah and Les Skaggs** – Judah and Skaggs are both part of LMPD’s command staff. They each reported to the LMPD Chief that Breonna was prone on the floor, firing at officers with an assault rifle.⁶⁰ Neither was interviewed or asked about the basis for these wild and unfounded assertions. Skaggs was observed at the hospital by Chief Conrad. Judah was identified on the crime scene log as arriving at Springfield around 2 am.
- k. **Lavita Chavous** – Chavous is one of the highest-ranking members of LMPD. She was also on scene at Elliott Ave. and was overseeing the operations surrounding the search warrants and underlying investigation.⁶¹
- l. **Gerald Huckleberry** – Huckleberry was a lieutenant in CID. He has since left LMPD. Huckleberry allegedly approved the search warrants. He worked on March 12, per his own timecards, yet PBI members tried to suggest that he did not. In July of 2020, Huckleberry obtained a lawyer who reached out to criminal investigators on his behalf and stated that Huckleberry wished to give a statement. It never happened. And he retired the following month.

⁵⁹ PIU photos from interior of Nobles truck.

⁶⁰ Conrad interview

⁶¹ Josh Jaynes interview

- m. **Micah Sheu** – Sheu is the third division Major. The shooting occurred in his division. Sheu was the initial incident commander on scene. He was responsible for assuring the crime scene was properly secured and logged.⁶² Neither of this happened.
- n. **Peer escorts assigned to the officers** – LMPD requires that officers involved in a shooting be assigned escorts.⁶³ The escorts assure that the officers are timely separated, removed from the scene, and transported to PIU. This did not happen, yet the peer support members were never asked to explain why the involved officers were allowed to roam freely at the crime scene and at the hospital.
- o. **Responding crime scene unit members** - the crime scene unit was instructed to go to the PIU office prior to working the crime scene itself. By the time the crime scene unit processed evidence, there had been significant tampering.⁶⁴ None of the members were interviewed to discuss the reason they didn't arrive and process the scene for hours.
- p. **The LMPD Evidence.com administrator and video custodians responsible for securing and preserving body camera footage and audit trails** – the LMPD video records system creates a trail of body camera footage which is uploaded and changed. Evidence in this case exists which suggests that footage may have been uploaded by several involved officers following the shooting. No interviews were taken to discern whether footage was recorded, uploaded and/or edited.

⁶² Crime scene logs

⁶³ LMPD Standard Operating Procedures

⁶⁴ PIU photo comparisons with CSU photos

- q. **Metro safe operators** – Metrosafe operators were never asked to identify why the ambulance was called off at 11:40 pm on March 12. They were also never asked to confirm whether their dispatchers were advised that there was a search warrant being served at Springfield.
- r. **CID Members** - communicating with Hankison or otherwise assigned to warrants
- s. **CSU Members** - who responded and assisted, including but not limited to Alexis Fliege and Tracy Gutterman

18. Failure to investigate actions of Daryl Neese

In June of 2020, while this investigation was ongoing, CID member Daryl Neese performed the following actions in Case Explorer, which clearly constituted an intrusion into the investigation of the case.

CASE EXPLORER.net

Report Details

Requested By: Daryl Neese (dneese)
 Request Agency: APP:Louisville Metro-Narcotics
 Request Date: 6/20/2020 5:43:55 PM

Case Information

Event Number: 20-01b
 Case Explorer Number 1753771
 Create Date: 1/2/2020 7:34:41 PM
 Modify Date: 1/2/2020 7:34:41 PM
 Event Code: 4R25
 Start Date: 1/2/2020 7:45:00 PM
 End Date: 2/1/2020 7:00:00 PM
 Event Address: 2424 Elliott AVE , louisville, Kentucky, 40211
 Event Type: Search Warrant

Case Agent/Office	Creator	Case Explorer Contact
	Daryl Neese (Dneese)	Daryl Neese (Dneese)
	APP:Louisville Metro-Narcotics	APP:Louisville Metro-Narcotics
Phone	Phone 5027412940	Phone 5027412940
Cell	Fax	Fax
Other	Other 5025742111	Other 5025742111
Super	Super Sgt. John Mattingly	Super Sgt. John Mattingly
	daryl.neese@louisvilleky.gov	daryl.neese@louisvilleky.gov

Narrative

Neither Neese nor John Mattingly should have been permitted to access deconfliction or management tasks related to a case and investigation in which they were not assigned and which involved an ongoing PIU investigation. PIU did nothing in response. Furthermore, Neese runs a side business with Detective Kuzma from Shively. Hankison's phone records reveal several communications with each within hours surrounding the shooting. PIU did not question Neese or Kuzma about their communications and did nothing to investigate Neese's apparent efforts to intrude upon the file.

It is important to note that Neese was never questioned by PIU and PIU did nothing to obtain the communications.

19. Failure to properly investigate Hankison gunshots

Tony James was one of the officers on scene for the shooting. His interview was obtained less than six hours after the shooting. Within the statement, James states three times that he personally observed Officer Hankison shooting into the front of Breonna's home through the entry doorway.⁶⁵ Hankison himself states in his interview that he made entry into the apartment and that he could not rule out firing his weapon from the front of the apartment. Per an LMPD report: "He did not recall if he fired his gun at the doorway."⁶⁶ Respectfully, this is absurd. A person knows if he fired his weapon. And Hankison knows here if he fired at the doorway. **It is important to note that PIU did nothing to challenge this unwillingness to state the truth.**

Additionally, the first PIU investigator who reported to Springfield after the shooting was Sergeant Omar Lee. His report stated that:

⁶⁵ James interview excerpts

⁶⁶ LMPD investigative report

“At 0043 hours officers breached the door and made entry into the apartment and were met by gunfire. Sergeant Jon Mattingly and **Detective Brett Hankison** returned fire.”⁶⁷ (emphasis added)

Ballistics also appear to validate Hankison’s initial shots from the front entry. The FBI confirmed that at least two bullets recovered from Breonna’s room matched Hankison’s firearm. It does not appear that these shots into Breonna’s room could have been fired from outside the windows, and that they could only have been made following entry and penetration into the residence.⁶⁸ PIU did not ever acknowledge this.

Finally, body camera recorded minutes later from the parking lot shows Hankison identifying Kenneth Walker as the one who fired from inside. Given that Kenneth only fired once and then took cover in a room, Detective Hankison’s observation reveals that he made initial entry into Breonna’s prior to eventually shooting through her patio door from the outside.

It is important to note that PIU never made any legitimate efforts to verify whether Hankison in fact fired his weapon from the breezeway or interior of the residence.

20. Failure to challenge untruthful statements

Several LMPD members made knowingly false statements to PIU which could have and should have been scrutinized for criminal conduct associated with a law enforcement investigation. Tony James attempted to implicate Kenneth Walker for firing up to fifteen shots into the breezeway, with his bullets flying through at officers non-stop.⁶⁹ James was never asked about his assertion that Kenneth shot continuously for a lengthy period. James’ interview was obtained less than six hours after the shooting.

⁶⁷ Lee investigative report

⁶⁸ Grand jury transcript excerpts identifying two of Hankison’s rounds in Breonna’s room

⁶⁹ James PIU interview, available upon request

Luke Phan's statement, while brief, is pertinent. He identifies conflicting information about the warrant briefing. According to Phan, the Springfield crew "did their own thing." Phan also blatantly lies about his actions on the scene, stating that they were minimal and that he quickly departed, despite body camera footage clearly recording him interviewing neighbors, entering a neighbor's apartment and then taking over custody of Breonna's home to himself.⁷⁰

It is important to note that these knowingly false claims were never challenged by PIU. It is also important to note that PIU never made any attempts to obtain Phan's communications from the hours surrounding the shooting, despite Phan being Hankison's commanding officer and radio communications from Phan specifically requesting for Hankison to text him photos of the scene.

Nobles' version of the incident went without challenge, despite substantial false statements. Nobles indicates he turned around and ran into a satellite dish under the stairwell. There was no dish anywhere close to there. Nobles has visible injuries to both his knees, which appear to be consistent with burns from a rug or concrete. Detective Nobles states that there were only seven individuals on scene for the warrant execution, despite video of former Officer Josh Rucker revealing the presence of more individuals leaving immediately adjacent to Nobles' truck. He was never challenged on this. Detective Nobles does not indicate he saw Breonna Taylor or the presence of someone in the apartment, despite Officer Gida's body camera footage specifically showing Nobles as he advised those arriving on scene that there was a large black woman shot in the hallway. This was never challenged.

⁷⁰ Luke Phan interview

It is also important to note that PIU did not even take Nobles' statement the morning of the shooting, instead giving him three days to prepare for it and provide it. PIU also never requested that Nobles turn in his primary firearm, or that he explain why he failed to wear his full attire when being photographed that he was wearing at the scene (a jacket worn by Nobles at the scene was never photographed), or why Nobles was outfitted without a less lethal, without reloads and without

Following the shooting, Josh Judah and Les Skaggs each advised the police chief that Breonna fired an assault rifle at the officers from a prone position in the hallway.⁷¹ PIU did not challenge this claim. Interviewed officers stated that Breonna and Kenny fired continuously, estimating as many as 15 shots with bullets flying out nonstop into the breezeway. PIU did not challenge these assertions.

21. Misrepresentation of Cosgrove's actions

PIU investigators accepted that Cosgrove fired almost simultaneously with Mattingly, that he never made entry into the home and that the whole sequence between the breach of the door through Cosgrove's last gunshot was 10-15 seconds. This was a misrepresentation of the evidence. Cosgrove's own colleagues insist that he did not make initial entry. Mattingly claims making initial entry alone and firing four rounds prior to any subsequent gunfire. In fact, Mattingly claims that Cosgrove did not fire at all while Mattingly remained in the breezeway. Per the interviews of James and Hankison, the initial entry to the apartment was made by Mattingly and Hankison.⁷² Hankison states after he made initial entry to Breonna's, he then went to the parking lot. He states that it was at this point where he heard that Mattingly had gone down. It was after that when Hankison states

⁷¹ Interview of Chief Conrad

⁷² Interview transcript excerpts

he heard rapid gunfire coming from the area of the doorway and saw Mattingly being pulled to the parking lot.⁷³ The only rapid gunfire he could have heard would have been that of Cosgrove. This sequence confirms that Cosgrove did not make entry until a point where the initial gunfire had stopped. Kenneth Walker had not returned any shots. The officers were not inside Breonna's home and had retreated to a safe perimeter. And perhaps most importantly, Breonna had been shot by Mattingly prior to this point. She was clearly not a threat and most likely on the ground, terror-stricken and screaming in pain and terror. The PIU did not challenge the statements made by Cosgrove, which clearly contradicted the facts in a self-serving manner.

Cosgrove's story lacks credibility. For starters, he stated that he was originally assigned to cover the patio door, but then came up to the stack prior to the door being breached to provide cover for Nobles. The other officers all confirm that Nobles already had cover at the time he breached the door.⁷⁴ Cosgrove claims that after the door was breached, he moved towards the entrance. But none of the officers observed him do so. Cosgrove's own statement implies that he already knew that Breonna was shot prior to when he began shooting, as he distinguished the shooting victim from Mattingly: "I know that someone has been shot, that John has been injured."⁷⁵ Cosgrove is unable to identify any threat assessment. But in describing his perceptions, Cosgrove states that he observed blackness, vivid white lights and a "distorted shadowy mass" during the process of making entry and shooting. Cosgrove states he could not hear anything and could not feel his hands. He takes no accountability for his sixteen shots. Even when interviewed again six months after the shooting, Cosgrove claimed that he only shot four times. Cosgrove states that he shot in response to flashing lights which he claimed were muzzle flashes. The only lights

⁷³ Hankison interview

⁷⁴ Officer interviews

⁷⁵ Cosgrove interview

flashing in Breonna's home were those being emitted from her bedroom television, where she had fallen asleep earlier in the evening to the movie Freedom Writers.⁷⁶ At the time Cosgrove opened fire, Breonna was either going to the ground or already on the ground. She remained on the ground as Cosgrove continued to shoot her. PIU investigators failed to report this critical evidence.

A 911 call appears to validate that Cosgrove shot up the home well after the initial volley of gunfire. At 12:42:50, the pertinent 911 call was made by a neighbor who lived down the road from Breonna. She reported the earlier gunfire to the dispatcher, identifying an initial 8-9 shots, which was followed by another 1-2 shots coming from a different gun. This is also consistent with Mattingly being shot while the officers were retreating and falling over each other.⁷⁷ More than a minute into the 911 call, the caller identifies that the shooting had resumed and that it was occurring with more frequency than before (“they’re shooting like crazy.”)⁷⁸ Cosgrove fired 16 shots. Of the officers who shot, only Cosgrove’s shooting would appear consistent with this reported rate of fire. PIU investigators disregarded this evidence.

22. Failure to investigate Hankison’s disappearance

At some point following the shooting, Detective Hankison disappeared. At 1:38 am, he and Myles Cosgrove communicated by phone.⁷⁹ Cosgrove was at Springfield at this time, so clearly Hankison was not within an in-person speaking distance of him. Hankison’s cell phone location data confirms, however, that he was still within the general area at the time.⁸⁰ Adjacent to the

⁷⁶ SWAT body camera footage upon arrival confirms that Breonna’s bedroom light was on and the movie Freedom Writers was still playing.

⁷⁷ Photos and interviews confirm that several of the officers fell over each other while retreating, knocking over a bin containing a three-piece fake Christmas tree, lights, a stand and porcelain ornaments in the process. This is where the blood trail begins.

⁷⁸ 911 call log, recording and transcript

⁷⁹ Call logs

⁸⁰ Hankison location data and Jackman report

apartment complex is a run-down cemetery. A private investigator, concerned that perhaps that Hankison migrated to this area to destroy evidence, canvassed it and identified a pair of 9 mm shell casings. These were collected and preserved. When the information was presented, nobody found it pertinent and did not request to take custody of the casings or run ballistics on them. Instead, despite records of several officers carrying 9 mm backup weapons, PIU misled prosecutors and the public to believe that the officers only carried .40 caliber firearms.⁸¹ Hankison's records also confirm other areas in town where he proceeded post-shooting. No efforts were made to investigate these circumstances. In fact, PIU did not even provide an escort to Hankison at the hospital, despite dozens of officers identifying Hankison's presence. Instead, Hankison was permitted to leave the hospital on his own and was never separated at the hospital from other members of the division, including commanding officers.

23. Failure to objectively investigate sources of gunfire

Officers fired rounds blindly from outside the window of my daughter Juniyah's room. Several rounds recovered from inside Juniyah's room, as well as other locations, could not be matched to the firearms of Mattingly, Cosgrove or Hankison. This is despite analyses from the most preeminent ballistics lab in the world. It is unclear which other officers shot into Breonna's home. But PIU investigators, following the shooting, immediately accepted officers at their words when three were identified as shooters.

Each of the seven officers who reported to the PIU office turned in their firearms for round counts. Officers Campbell, Hoover and James each turned in .40 caliber Glock 22 pistols which held fifteen round magazines. As you know, LMPD officers, with very little exception, each carry

⁸¹ Cameron statement to public

a live round in their firearm in addition to a fully loaded magazine. Thus, these officers should have likely begun with 16 live rounds. None of these three officers turned in 16 rounds from their firearms.⁸² LMPD officers are also required to carry at least one spare fully loaded magazine. No spare magazines are turned in by Hoover, Nobles and Mattingly. PIU did nothing to challenge these officers on this.

Several shots into Juniyah's room could not be matched to Mattingly, Cosgrove or Hankison, despite going through the most advanced ballistics lab in the world. In the Josh Rucker body camera, a conversation between Hoover and Hankison can be heard. The details are not specific, but what sounds like a magazine can be heard dropping to the ground. Hoover is in neighbor videos disappearing from the scene to the east of the complex and then returning. Hankison ultimately turns in three magazines, one of which is missing only one round and another which is missing several rounds. This makes no logical sense. Hoover, in addition to only turning in the magazine from his firearm, is one short. Rather than carrying a live round in the chamber plus a full magazine (16 total), he is only carrying 15 live rounds. This would be indicative of a reload of a full magazine. The fact that PIU ignored all of this is disturbing. Hoover was the ranking officer on scene and the one who is ultimately accountable when looking from the top down of those who were on scene, yet his actions were given no scrutiny by PIU and it was instead accepted as a foregone conclusion that Hoover did not discharge a firearm, simply because officers said so.

Body camera footage from responding officers contains a statement from someone on scene that, "Those are my rounds in those windows."⁸³ LMPD and the prosecutors claim as fact that Hankison makes this statement. But they never asked Hankison to validate himself as the

⁸² Officer round counts reflecting none of the officers turned in a full magazine, plus one live round in the chamber,

⁸³ Audio and footage captured on Rucker camera and others

source. A review of the audio and footage appears to reflect that the statement could have been made by Lt. Hoover. This audio was never forensically analyzed.

24. DNA Testing

One of the wonderful resources available to homicide investigators is DNA evidence. It is critical and allows for objective science to replace subjective statements. At the shooting scene, PIU investigators deliberately overlooked DNA evidence. In the breezeway, a hat belonging to someone present for the shooting was left in the breezeway. It was not tested. The owner was not identified. No efforts were made to discern the source of the hat, despite its presence right in the middle of where much of the activity took place. No DNA testing was performed on clothing, on firearms, on magazines or on recovered evidence.

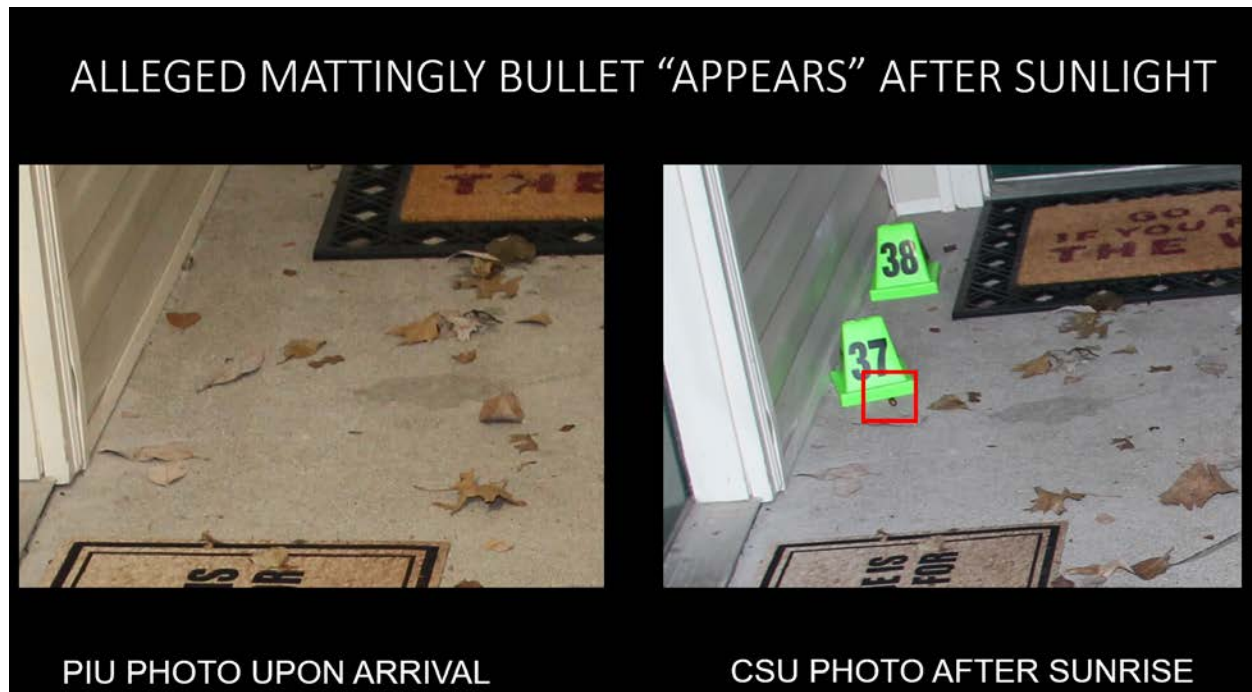
25. No investigation into Mattingly gunshot source

Officer Mattingly identified being shot in the thigh by Kenneth Walker. Seelye advised a grand jury that the shot which struck Officer Mattingly was fired by Kenneth. There is ample evidence to the contrary. Along with Mattingly, several additional officers identify blood pooling and accumulating at the front of the doorway. There is absolutely no blood anywhere near this location.

It is important to note that the PIU never challenged these statements and never once inquired into why no blood was present in the area where it was claimed Mattingly was shot.

Walker fired one shot, aimed downward from twenty feet away. The final resting place of his shell casing is consistent with his shot being fired at a 45-degree angle. According to LMPD's own forensic doctor, Mattingly was struck by a bullet traveling at an upward trajectory. PIU did not even identify a bullet that it claims struck Mattingly. But they do identify one bullet that is not photographed on the scene until seven hours after the shooting, potentially trying to infer that it is the bullet which struck Mattingly. PIU does not explain this and does not explain why CSU was

sent to the PIU office for hours, rather than the actual crime scene, following the shooting. Earlier photographs do not reveal this bullet.



Regardless, the bullet is a full metal jacket. Kenneth's firearm had hollow point bullets. The Kentucky State Police performed testing on the bullet and could not match it to Kenneth's firearm. PIU disregarded this evidence in favor of a predetermined conclusion that Mattingly was shot by Walker. PIU ignored the evidence that there had been scene tampering, along with the possibility that things were done with a deliberate intent to falsely implicate Kenneth Walker and protect others who had discharged weapons. Another example comes from the photos of the PIU, versus photos of CSU several hours later. The following shows a casing removed and replaced with a different casing, as confirmed by the brass versus nickel coloring and the fact that the casing, in the CSU photo, is at a 180 degree angle from where it was when photographed by PIU. There are several similar examples of this in other locations with other casings.



PIU also disregarded that Mattingly's "exit wound" did not appear until the hospital. Hoover found no exit wound. EMS found no exit wound. Mattingly reported to ER technicians that there was no exit wound and that the bullet was lodged in him. Only after a forensic medical exam by an LMPD doctor did there become reference to an exit wound.

Notably, there was no projectile discovered anywhere upon PIU's arrival within the crime scene that matched Kenneth Walker's gun, let alone a projectile in the area where Mattingly was allegedly shot.

The evidence also suggests that Mattingly may have been shot twice. One shot appears to have pierced Mattingly's wallet. While it was stated by PIU that this shot passed through the wallet, the evidence suggests otherwise. Photographs only indicate an entrance; there are no photographs of an exit.

It is important to note the PIU made no efforts to test the wallet and produced photographs of only one side of the wallet.

Mattingly claims that upon being shot and returning fire, he scoots out of the doorway and immediately announced to the other officers that he'd been shot in his "femoral." But more than a minute passes between the first round of gunshots and the first radio communication to LMPD announcing that an officer was shot. In fact, the first radio communications did not occur until three neighbors had already called 911 to report gunshots. It is difficult to fathom that officers would take more than a minute (which is an eternity in a situation such as this) to get on the radio and seek assistance for Officer Mattingly, especially when Mattingly allegedly announced to them that he had been shot in a life-threatening location. This was never challenged by PIU and PIU simply ignored the evidence that there was a delay between rounds of gunfire, and that there was a delay between initial entry and Mattingly being shot. In fact, even Hankison states within his interview that he did not hear that Mattingly was shot until after entry was made by Hankison, Hankison retreated and Hankison got around the corner towards the patio.

Finally, photos and interviews confirm that several of the officers fell over each other while retreating. Mattingly himself admits to falling over. Mattingly also admits to losing his gun to the ground twice during the process of retreating from Breonna's and falling to the ground. Experts all agree, and common sense dictates, that when a finger is on the trigger and there is an unexpected fall, two scenarios arise which would result in a significant likelihood of a firearm discharge. The first is the surprise of the fall itself and the resultant reflexive movements. The second and obvious situation is when the elbow and arm strike the ground. Officers fell all over the place. Cosgrove references this scene as a "large pile of men." Mattingly states in his interview that he lost his gun to the ground twice. The scene photos reflect that the officers knocked over a bin containing a

three-piece fake Christmas tree, lights, a stand and porcelain ornaments. Notably, the area of these falls is where the blood trail from Mattingly's wound first begins.

It is important to note that PIU investigators never once inquired into the fallen detectives, the Christmas tree, the broken porcelain items, the Christmas tree lights, the Christmas tree stand and the blood trail forming at the point of the fallen officers and the Christmas décor.

All of the officers turned in round counts which were at least one below what would have been expected with a full magazine and a round in the chamber. Yet PIU never once challenged these officers regarding these chaotic falls and the likelihood that they would produce accidental discharges of firearms. Again, the trajectory of Mattingly's bullet was upwards, consistent with being shot by an officer who went to the ground and accidentally fired up. Meanwhile, as this pile of men is on the ground, windows were being shot up blindly and the inside of the apartment was being sprayed from left to right with no regard for human life. PIU never once investigated or inquired into the likelihood that this suppressive firing was being made by Cosgrove and Hankison to cover the pile of officers who had fallen over each other in the breezeway, with Mattingly being shot in the process. PIU never considered the likelihood that Hoover and Hankison's canvassing of the breezeway and adjacent areas following the shooting were part of an effort to identify and remove projectile evidence of friendly fire.

26. Required communications not made with the victim's family

In accordance with the Kentucky Revised Statutes (KRS) 421.500 through 421.576, law enforcement personnel will provide victims with information on available protective, emergency, social, and medical services upon initial contact and will give information on the following as soon as possible: Updates on important occurrences and developments with their case.

To be clear: I was never given any case updates from PIU.

27. Disregard for use of force laws

As PIU is aware, officers are accountable for every round they discharge. They cannot engage in suppression firing. They must obtain target acquisition, identify the threat and cannot shoot at an unarmed third party. They cannot shoot into areas they cannot see in which innocent parties may be present. PIU members cannot be biased or arbitrary in investigating violations of the law.

PIU shall be aware and mindful of KRS 503.120, KRS 503.055(2)(d) and KRS 503.055(4). Under KRS 503.120, self-defense is unavailable as a justification in a prosecution for an offense involving wantonness or recklessness toward innocent persons.

503.120 Justification — General provisions.

(1) When the defendant believes that the use of force upon or toward the person of another is necessary for any of the purposes for which such belief would establish justification under KRS 503.050 to 503.110 but the defendant **is wanton or reckless in believing the use of any force, or the degree of force used, to be necessary or in acquiring or failing to acquire any knowledge or belief which is material to the justifiability of his use of force, the justification afforded by those sections is unavailable in a prosecution for an offense for which wantonness or recklessness, as the case may be, suffices to establish culpability.**

(2) When the defendant is justified under KRS 503.050 to 503.110 in using force toward the person of another, but he **wantonly or recklessly injures or creates a risk of injury to innocent persons, the justification afforded by those sections is unavailable in a prosecution for an offense involving wantonness or recklessness toward innocent persons.**

Under Kentucky law, ‘justification,’ or self-defense, is not a defense to the crimes of manslaughter in the second degree or reckless homicide, particularly when an innocent person, as Breonna was, is the victim.” Despite this, PIU investigators floated softballs to officers, repeatedly

stating things like “I don’t want to put words in your mouth” or otherwise asking leading questions in which the desired response would serve to establish a self-defense claim. Former LMPD member Denny Butler was disgusted by the leading manner of these questions and said that they go against everything a homicide investigation entails.

Reasonable PIU investigators properly advised on the law would not simply accept Detective Cosgrove’s explanation of the shooting, in which he states he cannot hear gunshots or feel his hands, yet shoots into an area surrounded by blackness, recurring vivid white lights and a “distorted shadowy mass.” Six months after evidence confirmed that Detective Cosgrove fired his entire fifteen round magazine, along with the additional round in the chamber, he still believed that he only fired four shots. PIU never challenged this. PIU also failed to acknowledge that Cosgrove carried 16 rounds, like all LMPD members do other than James, Mattingly, Hankison, Hoover and Campbell, apparently.

Simply put, the law does not coincide with PIU’s apparent assessment that law enforcement officers, if fired upon, are blanketly justified to return fire without regard for the number of shots, the location of the shots, whether the shots are directed towards a threat, whether the shots are wanton or reckless or whether the shots are directed at an unarmed, innocent third party. Advising the public hours after the shooting that the officers were justified demonstrated incredible bias.

The PIU also ailed to educate the grand jury on the significance of an officer’s failure to comply with a “knock and announce” mandate during the execution of a search warrant. The law is clear that officers instructed to knock and announce during a search warrant must do so by knocking, announcing their authority and presence and affording a reasonable amount of time for

those inside the home to comply.⁸⁴ The Kentucky Supreme Court cites the importance of protecting home occupants and officers from potential violence as the most important reason why police officers entering a dwelling must knock on the door and announce their identity and purpose before attempting forcible entry.⁸⁵ It is axiomatic that the grand jury would need to understand that police officers required to announce themselves must in fact do so to be afforded the protections under self-defense laws. If reasonable factfinders determined that the officers did not announce, despite the requirement to do so, it would implicate the officers as the initial aggressors. Under Kentucky's "castle doctrine," residents may use deadly force against home intruders. While there is an exception precluding this force against law-enforcement officers, it only applies if the officers clearly announce their presence and authority in accordance with the law prior to making entry. If the officers did not announce when required to do so, then a statutory presumption applies against them that their forced entry was made with the intent to commit an unlawful act involving force or violence. Only when empowered with this knowledge could a grand jury properly evaluate whether the officers were the initial aggressors. And if the jurors determined that the officers were the initial aggressors and that they were confronted with a lawful use of force, then the officers were not justified to return force. Rather, the law requires the initial aggressor to retreat.

Whether the officers announced in accordance with the law is a disputed issue that was entirely disregarded by PIU. According to at least twenty of Breonna's neighbors, the officers did not announce themselves prior to hitting her front door with a battering ram multiple times and forcing it open. Despite this, PIU decided that the officers did, in fact, knock and announce their presence in accordance with legal requirements. This alone is indicative of the biased lens through

⁸⁴ *United States v. Dice*, 200 F.3d 978, 982 (6th Cir. 2000) (citing *Wilson v. Arkansas*, 514 U.S. 927, 934 (1995)).

⁸⁵ *Adcock v. Commonwealth*, 967 S.W.2d 6, 8 (Ky. 1998).

which PIU viewed this case. Seelye, when presenting the case to a grand jury, did not even suggest that this was a disputed matter.

Myles Cosgrove believes he shot 4 times. He shot sixteen. PIU did not challenge him on this. Cosgrove shot at my daughter, who was unarmed and on the ground. Ballistics experts have confirmed that his shots were directed at Breonna when she was down. PIU could have easily discerned this as well, but instead ignored it. Cosgrove shot indiscriminately through the rest of the apartment as well. He states he did not know who was in the apartment, but the risk matrix suggests that Cosgrove was indeed briefed that there were others in the apartment. Mike Nobles states that they were briefed that a small child was in the home. An Accurint search or similar search, as is common within law enforcement to perform, would show multiple home occupants. But PIU did not challenge Cosgrove's wild and unbelievable claims. This is not a justified use of force by Cosgrove. Mattingly's own statement confirms that he could discern that Breonna was an unarmed female, yet when Cosgrove describes "blinding lights," "darkness" and a "shadowy mass," PIU does not challenge him. The only potential flashing lights at this point were the patio and Juniyah's bedroom being shot up at the time Cosgrove was always suppressively firing to shoot up the home, or they were the backdrop of the television lights from Breonna's room. Under either scenario, it was clear that the threat no longer existed and that any gunfire was coming from fellow officers. Furthermore, it is unlikely that any shots from outside would not have emitted lights inside. The shots into Juniyah's room were through curtains that blacked out the outside. Dale Massey confirms that one who was outside in that area could not see inside. Cosgrove was allowed by PIU to give a rendition of the events which defies reality and confirms a failure to adhere to lawful standards on use of force. And PIU simply accepted it without scrutiny. It was not justified and was an unauthorized use of deadly force under LMPD training. As Sergeant

Hogan put it, this was “Basic Academy Stuff” which was violated by the officers. But PIU never emphasized it.

CONCLUSION

This is a lengthy complaint. I apologize for that. But Amanda Seelye’s violations were numerous. Her conduct was beyond reproach. And frankly, her position in PIU, or any position in which she is a ranking officer, is unwarranted. She had an incident in the academy which was blown over. She’s had incidents since which were blown over. She’s married to a cop who spent a long tenure working with those involved in this case. She protected these officers. And she’s been protected by the department.

Seelye allowed this investigation to become compromised. The investigation was never objective, was never thorough and was never within the boundaries of a proper homicide investigation under policies. Her conduct, as well as that of her colleagues, including but not limited to Jason Vance and Jeremy Ruoff, is inexcusable. Furthermore, Lt. Eidem’s inability to step in and properly oversee the matter is also inexcusable. These individuals have clearly demonstrated that they lack the ability to investigate fellow officers in an objective and unbiased manner. They have shown that they will engage in policy violations of their own to protect fellow officers. And their policy violations and professional misconduct deprived my family of a proper investigation into the death of my daughter. LMPD should not have tolerance for this type of willful incompetence.

The actions and inactions of Amanda Seelye were unbecoming of an officer. LMPD should sustain substantial violations of policy against her and impose severe consequences.

I acknowledge that whoever makes a false statement under oath, which he/she does not believe to be true, in regards to any material matter, shall be guilty of Perjury in the Second Degree.

I acknowledge that a law enforcement officer has the right to bring suit against any person, group of persons or organizations or corporations, for making a false statement under oath against such officer.

I swear that this affidavit is true and correct to the best of my knowledge, information and belief and therefore affix my signature on the space provided below.

Respectfully Submitted,

Tamika Palmer

Tamika Palmer

Date: 3/10/21

Witness Signature: *[Signature]*

Notary: *Nicole Medlin*



VIOLATIONS (NON-EXHAUSTIVE)

BIAS:

The relationship between a party and a witness which might lead the witness to slant, unconsciously or otherwise, his/her testimony in favor of, or against, a party.

TRUTHFULNESS/UNTRUTHFULNESS

Members are required to be honest and truthful in all matters related to their scope of employment and operations of the department. Untruthfulness is prohibited and may warrant termination. Untruthfulness is conduct that is intentional, malicious, and/or deceptive and may take one (1) of three (3) forms:

- An intentional deceptive action in a formal setting, such as testifying in court or in front of another official governmental body, during a Professional Standards Unit (PSU) investigation, during an investigation initiated by a commanding officer or supervisor, when responding to a commanding officer or supervisor, or the submission of deceptive documents.
- The intentional failure to bring forward information involving criminal action by other members or the intentional failure to bring forward information involving the administrative misconduct of other members.
- The creation of false evidence that could implicate another in a criminal act or administrative misconduct.

Intentionally making a false, misleading, or untrue oral or written statement, report, record, and/or communication (including electronic communication);

Failing to accurately report all facts pertaining to an investigation;

Misrepresenting any matter by:

Knowingly submitting any false official statement or report;

Knowingly making a false statement(s) before, to, or during:

Any court proceedings;

Grand Jury proceedings;

Departmental hearing or inquiry; or

Any official investigation of the department, including an investigation initiated by a commanding officer.

RESPONSIBILITIES OF COMMANDING OFFICERS

- Verifying proper crime scene maintenance
- Gathering basic information from the officers involved and starting a preliminary investigation
- Assigning escort officers

COMMAND

The **Incident Command System** (ICS) will be established at all major crime scenes. The first responding officer or the most senior officer at the scene will be the Incident Commander (IC), until relieved on-scene by a commanding officer or lead detective. The IC is responsible for directing the activities of personnel at the scene and adherence to the procedures outlined in this policy.

PROTECTING THE CRIME SCENE

The crime scene **will be protected from entry by unnecessary or unauthorized persons so that physical evidence is not altered, moved, destroyed, lost, or contaminated**. An officer will be designated as the Crime Scene Entry Log Recorder and will be stationed at a selected entrance/exit point to the control perimeter. The Crime Scene Entry Log Recorder **will maintain the integrity of the scene** by denying access to nonessential personnel (e.g. media, political figures, officers not working the case) and documenting the arrival and departure times of legitimate persons involved (e.g. EMS, Fire Department personnel, investigating officers) using the Crime Scene Entry Log (LMPD #05-08-0138). The Crime Scene Entry Log Recorder will also notate on the Crime Scene Entry Log which officers have Wearable Video Systems (WVS). All division commanding officers will notify the lead investigator if any of their personnel were at the crime scene.

LIMITING CONTAMINATION OF THE CRIME SCENE

The initial responding officer should **preserve the scene with minimal contamination and disturbance of physical evidence**. Whenever possible, he/she should establish a path from the entry point to the primary crime scene in order to **limit the possibility of contamination from outside sources** (e.g. medical personnel or **additional officers**).

All persons will be prohibited from performing the following acts while at the crime scene:

- Moving any items, including weapons, unless necessary for the safety and well-being of persons at the scene.
- Touching anything unnecessarily. Officers should be cautious of handling evidence due to DNA crossover or contamination.

- Repositioning moved items.

The initial responding officers should document the following to preserve the integrity of a crime scene:

- Document **all instances of scene alteration**, regardless of how insignificant the event or item appears.

CONTROLLING PERSONS AT CRIME SCENES

The initial responding officer should **prevent individuals from altering or destroying physical evidence, by restricting their movement, location, and activity.**

Officers will:

- Identify all individuals present.
- **Secure and separate the suspects.**
- **Separate the witnesses.**
- Remove bystanders from the scene after determining that the bystanders are not suspects or witnesses.

PROCEDURES FOR OFFICERS INVOLVED

Officers involved in use of force actions or motor vehicle collisions, which result in death or serious physical injury, will immediately be placed on administrative leave or administrative reassignment, pending an administrative investigation (refer to SOP 2.5) (KACP 10.2a).

Each officer involved will be assigned **an escort officer at the scene** by his/her commanding officer. The escort officer should be a Peer Support Team (PST) member, departmental chaplain, or commanding officer, when possible.

The escort officer **should not have been involved in the critical incident and should remain with the officer throughout the entire initial investigation.**

The escort officer is responsible for:

- **Explaining the investigative process to the officer involved.**
- **Assisting the officer in contacting his/her private attorney, friends, or family members, as requested.**

- **Transporting the officer to the PIU office, when requested by the PIU Commander or investigators.**
- **Verifying that the officer is isolated from all non-essential individuals for the remainder of the initial investigation.**
- **Transporting the officer home at the conclusion of the initial investigation.**

The departmental police counselor will respond to the scene of all critical incidents. The departmental police counselor will meet with the involved officer(s) in a confidential setting (refer to SOP 8.12.5).

The Crime Scene Unit (CSU) or PIU investigators will photograph the officer involved.

FAILURE TO SECURE FOOTAGE (and failure to even attempt to do so)

The PIU will secure Mobile Video System (MVS) footage and Wearable Video System (WVS) footage belonging to involved and responding officers.

The officer's weapon and any other evidence will be collected at the PIU office, by the CSU, as directed by investigators. The officer should immediately be issued a replacement weapon.

CELL PHONE EVIDENCE (failure to preserve, oversee and recover)

Officers may utilize a self-service Cell Phone Investigative Kiosk (CPIK) to analyze a cell phone during the course of a criminal investigation. CPIKs are located at numerous locations, including LMPD Headquarters in the Crime Information Center (CIC) and the Kentucky Regional Computer Forensics Laboratory (KRCFL).

DUTIES OF A COMMANDING OFFICER AT A USE OF FORCE SCENE

The commanding officer will:

- **Conduct a thorough investigation into the use of force incident**

CRIME SCENE UNIT (failure of PIU to timely deploy)

Qualified personnel are available 24 hours a day, 365 days a year to process crime scenes (KACP 27.6).

The Crime Scene Unit (CSU) will assist the lead investigator at a crime scene by photographing, preserving, collecting, processing, packaging, and transporting evidence which requires special handling, or testing, by the Kentucky State Police (KSP) Forensic Laboratory or another

appropriate outside testing facility. This will be accomplished by using the established procedures found in the CSU Operations Manual, which is kept on file in the CSU. The crime scene will be photographed and/or videotaped per the criteria set forth in the CSU Operations Manual.

Materials and substances will be collected from a known source, whenever available, for submission to the appropriate laboratory for comparison with the physical evidence collected.

CSU members will complete the Crime Scene Unit Report (LMPD #07-0001) and other applicable reports for all crime scenes processed

POLICY

It is the policy of the Louisville Metro Police Department (LMPD) to conduct canvasses at felony crime scene investigations where witnesses may be located and video surveillance cameras may have captured the incident.

The objective of the canvass is to gather as much information as possible on the crime. Unless the canvass is conducted quickly and thoroughly, valuable information may be lost.

RETENTION/DISTRIBUTION (failure to investigate)

Officers will not delete/erase, destroy, copy, reuse, alter/modify, or tamper with WVS recordings.

MAJOR CRIMES DIVISION PROCEDURES

Experienced investigators with good interview and interpersonal skills should be selected for the canvass teams.

If the neighborhood has non-English speaking or Limited English Proficient (LEP) individuals, the lead detective should try to have at least one (1) investigator available who is **fluent in that language, and who can be quickly contacted by other team members to conduct an interview.**

Each occupant of a residence should be interviewed separately from other occupants. Children should also be interviewed. Officers should ask, **“Do you know anyone who may have more information about this?”**

This question may elicit the name of a potential witness or lead that has not been previously identified.

All investigative efforts, including addresses where no contact was made and the names/addresses of persons who stated that they did not observe anything, are to be documented. For those residences where no contact is made, a neighborhood canvass card should be left or a return effort to contact someone at the residence should be made.

WEAPONS INSPECTIONS (failure of PIU to inquire)

All weapons will be inspected during regular qualifications, at a minimum of once a year (KACP 27.3), by certified firearms instructors. Weapons are not inspected at the division/section/unit level during formal or informal inspections.

PROCEDURES (failure of PIU to inquire)

Officers are to exercise reasonable care and maintenance of the WVS equipment. During their tour of duty, or while engaged in uniformed law enforcement-related secondary employment, officers will maintain their WVS in a constant state of operational readiness. The WVS will be used to record all calls for service and law enforcement activities/encounters (e.g. arrests, citations, stops, pursuits, Code 3 operations/responses, searches, seizures, interviews, identifications, use of force incidents, collisions, transports, warrants, etc.).

Officers are mandated to adhere to the following procedures to ensure law enforcement-related activity is captured:

- When responding to any call for service, officers will activate their WVS in recording mode prior to arriving on scene and exiting their vehicle.
- Officers will immediately activate their WVS in recording mode prior to engaging in all law enforcement activities or encounters. This includes law enforcement activities or encounters occurring when traveling to and from work in uniform, unless the officer's assigned WVS is docked for uploading following a tour of duty (refer to SOP 4.31.11).
- Officers will immediately activate their WVS anytime they initiate a code 3 response.

If the officer neglects to activate his/her WVS at a scene which requires recording, fails to record the complete incident, or interrupts the recording, he/she will notify his/her supervisor, prior to the end of his/her tour of duty, and complete a **Failure to Activate Wearable Video System form** (LMPD #17-0002). The form will be forwarded, through the chain of command, to the appropriate Bureau Commander by the end of the officer's next tour of duty. **If data is lost, the officer will document the reason in a memorandum and forward it, through the appropriate chain of command, to his/her Bureau Commander by the end of the officer's next tour of duty.**

OPERATION (failure to inquire and oversee)

Officers will inspect their WVS to verify it is fully-charged and does not contain any recordings from a prior tour of duty. Officers will immediately upload any prior recordings. Officers will inspect their WVS and its components for damage and verify it is functioning properly prior to, and during, their tour of duty. Officers should refer to SOP 4.31.12 regarding the procedures for handling any lost, stolen, defective, damaged, or malfunctioning WVS component.

The WVS camera will either be worn on the officer's head or positioned on the collar of the officer's uniform or plainclothes attire, using only the departmentally-issued mounting equipment, at the beginning of his/her tour of duty and will be worn throughout his/her tour of duty. Officers will not wear the WVS on the same side as their radio microphone. Officers will maintain their WVS in a constant state of operational readiness. Officers will make certain their WVS is not pointed excessively high or low. Officers will not remove, dismantle, or tamper with any hardware/software component or part associated with the WVS.

If the audio portion of a law enforcement activity or encounter is captured by the WVS, the use of the officer's MVS microphone to capture the audio is not necessary.

UPLOADING VIDEO (failure of PIU to oversee)

Officers will turn off and recharge their controller/power pack at the end of their tour of duty. The WVS will not be removed from the charger until the video and audio has been uploaded. All WVS recordings will be uploaded prior to, or at the beginning of, the officer's next tour of duty, including when an officer is working secondary employment.

FAILURE TO SECURE BODY CAMERA DEVICES AND IDENTIFY VIDEO

Supervisors should refer to SOP 4.31.13 regarding WVS supervisory review procedures. **The evidence.com storage system maintains an audit log that documents the videos that have been viewed and any actions taken by LMPD members.**

FAILURE TO ADHERE TO CODE OF ETHICS

LACK OF APPROPRIATE KNOWLEDGE AND COMPETENCE

INEQUITABLE TREATMENT

WILLFUL MISCONDUCT

ALL OF THE OTHER ACTIONS AND FAILURES IDENTIFIED WITHIN THIS COMPLAINT