



OFFICE OF THE MAYOR
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

Joe Phelps
Co-Chair
EmpowerWest Louisville
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June 20, 2020

Dear Rev. Phelps:

I appreciate your outreach on the Breonna Taylor and David McAtee cases. I have taken swift action to address many issues that have arisen from these cases. These include the following:

- I suspended no-knock warrants and signed Breonna's Law, to formally end their use.
- I called for the Attorney General, the U.S. Attorney and the FBI to review the investigation. The U.S. Attorney has handed its review over to the Civil Rights Division of the U.S. Department of Justice, and the FBI has launched its own investigation.
- I have commissioned an independent root-cause analysis of the policies, procedures, and decisions that led to Breonna's death.
- I relieved Louisville Metro Police Department (LMPD) Chief Conrad of his duties, and launched a national search for new permanent leadership. I am urging the public to participate in this search with this survey: <https://arcg.is/18fTnS>
- I reorganized my Cabinet to place Amy Hess over the LMPD. Chief Hess brings decades of experience, having formerly served as the highest ranking woman in the FBI.
- I have released all calls, including the 911 calls, in the Breonna Taylor case.
- I have established a workgroup to study and recommend an independent Civilian Review Board with subpoena power.
- I changed policy to require the use of body cameras in the execution of search warrants, which I then formalized by signing Breonna's Law.
- LMPD released the personnel files of the officers involved in the Breonna Taylor case less than 24 hours after the shooting.
- I have issued an Request for Proposals (RFP) for a comprehensive, top-to-bottom review of the LMPD.

- I have changed LMPD policy, requiring that a decision to use tear gas must be approved by the Chief or his or her designee. Louisville Metro Department of Corrections has also changed its policy to ban chokeholds, which LMPD had done years ago.
- We implemented a policy change reinforcing an officer's duty to intervene in the event he or she sees a fellow officer use excessive force.
- We initiated termination proceedings against LMPD Officer Brett Hankison.

Specifically to your questions:

1. When will the police PIU's investigation into Breonna Taylor's death be finished? Will you release now the parts of the investigation where facts have been found and conclusions have been reached?

- It has been over three months since Breonna's death.
- The Courier-Journal reported on May 16 that you said the PIU's investigation would be finished the following week, but the full investigation has not yet been turned over to the Attorney General's office or the FBI.
- LMPD released video from the killing of David McAtee before the investigation of it is finished in order to vindicate LMPD officers who shot at YaYa without turning on their body cameras.

Response

LMPD Public Integrity Unit (PIU) has turned over to the Office of Attorney General Daniel Cameron all the materials that were initiated by PIU and within its control. In any case where there is body camera footage, LMPD policy is to release the footage within 24 hours of the incident. In the David McAtee case, since there was no body camera footage from the officers who discharged their firearms, we released the available footage from police cameras and surveillance cameras in and around McAtee's business. In the Breonna Taylor case, the officers were not wearing body cameras, as it was not required under policy – that policy has been changed as part of Breonna's Law, as outlined above.

I have urged the Attorney General to move swiftly in his review and independent investigation of the case.

2. What are the specific LMPD policies or procedures and/or the agreement with Louisville FOP that you claim prevents you from quickly terminating a police officer for wrongdoing that results in the death of a person?

Response

KRS 67C and Article 17 of the collective bargaining agreement outline the process following an officer-involved shooting. In short, before any disciplinary action may be taken against an officer, there must be some investigation to determine whether the officer's conduct has violated policy. Usually this requires an internal administrative investigation conducted by LMPD's Professional Standards Unit. Per state law, KRS 67c.326 (1) (f), I am precluded from saying more about initiation of termination proceedings against Officer Hankison.

3. Have you apologized to Breonna Taylor’s family on behalf of the City for her death at the hands of police who lied to obtain a warrant to search her apartment?

- LMPD said the postmaster confirmed that packages were sent from the suspected drug trafficker to Breonna Taylor’s apartment, but the postmaster stated there were no packages of interest going there
- What else do you know that they have lied about to obtain search warrants?

Response

Breonna’s death was tragedy, and I have expressed both publicly and in private conversations with her mother how sorry I am for her loss. There is currently a PIU investigation into the officer who wrote the warrant for the search on Ms. Taylor’s home to determine if there was any criminal conduct. This was also referred to the FBI for review. In addition, there will also be a Professional Standards Unit investigation to determine if there were any administrative violations in the crafting of the warrant.

4. Will you apologize to Kenneth Walker on behalf of the City for his arrest by police and trauma from LMPD’s illegal entry and shooting to death his girlfriend?

- LMPD knew of the 911 recording that showed that Kenneth Walker did not know who had broken the door in when he fired his weapon, but he was charged with attempted murder of a police officer.

Response

I appreciate that Commonwealth Attorney Tom Wine has dropped the charges against Kenny Walker. (He has reserved the right to refile charges, pending further investigation.) The Attorney General and U.S. Department of Justice will determine if the actions of the LMPD officers were illegal and if any of them should be criminally charged.

5. Will the city apologize to and compensate Breonna Taylor’s neighbors who experienced property damage and psychological damage from having their neighbor wrongly killed in the middle of the night by police, their apartments shot up, and their peace forever disturbed?

Response

I cannot comment specifically because of pending litigation, but I have repeatedly said how sorry I am to all those who have been impacted by events of March 13.

David McAtee:

1. Whose decision was it to send LMPD and Kentucky National Guard to 26th and Broadway on June 1 and on what basis?

Response

LMPD commanders made the decision to deploy resources to Dino’s Food Mart just after midnight on June 1 as a large crowd had gathered there, following large gatherings of protestors in the downtown area. At the time, LMPD resources were augmented by the National Guard.

2. How many LMPD officers were on site when David McAtee was shot, and how many of them had their body cameras turned on?

Response

The LMPD Public Integrity Unit (PIU) is still investigating the incident, with oversight by the Kentucky State Police and the FBI.

3. What is the specific LMPD provision that requires an officer to turn on her body camera, and which officers are required to comply with the provision?

Response

LMPD Standard Operating Procedure 4.31 is the body camera policy, which was revised on May 31, 2020. You can view the policy in full online at <https://www.louisville-police.org/DocumentCenter/View/615/Standard-Operating-Procedures-PDF>.

4. Is there a reason an officer would not be terminated if she was required to activate her body camera when firing her weapon, and did not do so?

Response

Under the Collective Bargaining Agreement, an officer may only be disciplined for “just cause.” The just cause standard requires a balancing of seven different factors. Failure to turn on a body camera is not considered a terminable policy violation on its own. Officers typically get a warning for their first failure to activate and discipline progresses with each follow-up violation.

5. Is there additional video footage of the scene/shootings from any source that you or LMPD is aware of that has not been released to the public?

Response

Investigators are still going through video collected that night. We are not aware of any other video that captures the shooting.

I share Empower West’s goal to “unleash the educational, economic, and spiritual power of West Louisville.” That’s why we’ve invested nearly \$1 billion in historically underinvested west Louisville, it’s why our Center for Health Equity works to equalize health outcomes throughout the city, it’s why we’ve established workforce development programs like SummerWorks, Code Louisville and the Future of Work to address the plain reality that while talent is evenly distributed throughout our city, opportunity and access are not. We’ve worked to address historic racism through Lean Into Louisville and Synergy, which has brought hundreds of police officers and residents together to talk about how to improve police-community trust and legitimacy.

But I know – this is not enough, not nearly enough. That’s why I am committed to the hard work of fighting for structural change at local, state and national levels; from police reform to

economic empowerment; to addressing health and education disparities; to ensuring our economy lifts up and works for all. I know this is your mission, and I pledge to work with you on this critical journey.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Fischer". The signature is fluid and cursive, with the first name "Greg" and last name "Fischer" clearly distinguishable.

Greg Fischer
Mayor