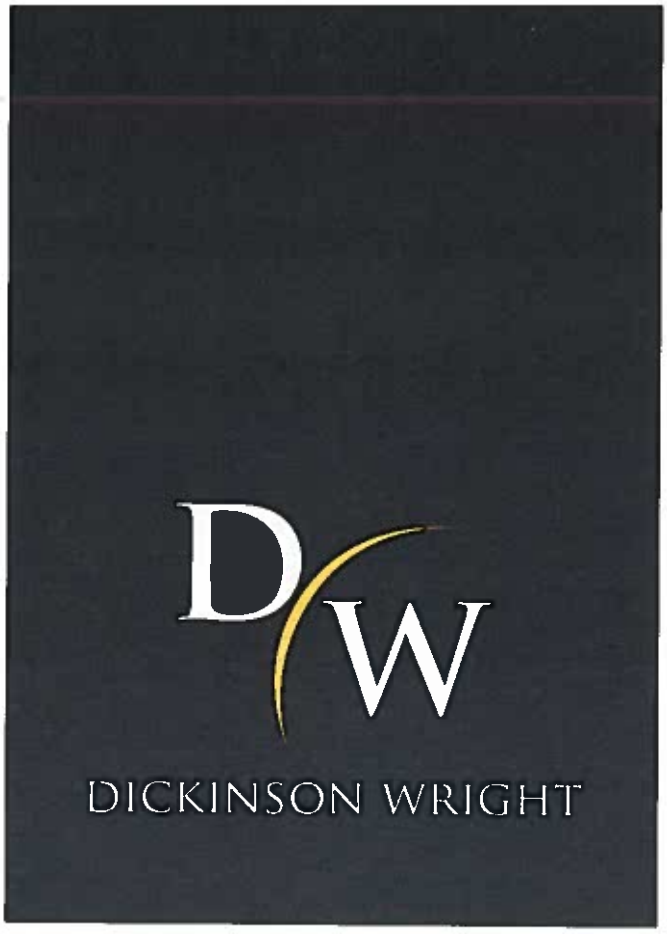
The entire report is attorney/client privileged and exempt under KRS 61.878(1)(l), which incorporates the attorney/client privilege and work product doctrine found at CR 26.02(3). Louisville has chosen to waive the attorney client privilege and work product exemption for those parts of the report that are not redacted. Louisville is claiming the privilege for all portions of the report that are redacted. Additionally, the redacted portions of the report are also being claimed as exempt: under KRS 61.878(1)(l), which incorporates the protection provided to juveniles under KRS 610.320 and KRS 610.340; under KRS 61.878(1)(a) to protect private health information and personal information that might identify a victim; and pursuant to court order that sealed the lawsuits related to this investigation.



Louisville Metro Police Department Explorer Program Internal Investigation Final Report

June 27, 2018

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I. INTRODUCTION

On March 8, 2017, N.C., a former member of the Louisville Metro Police Department's ("LMPD") Youth Explorer program, filed a lawsuit alleging he was raped and sexually abused by LMPD officers while he was an Explorer. Shortly thereafter, a grand jury returned indictments against Brandon Wood ("Wood"), then an active LMPD officer, and Kenneth Betts, a former LMPD officer. Wood was indicted on seven counts of sexual abuse, while Betts was indicted on two counts of sodomy.

On March 17, 2017, Louisville Mayor Greg Fischer ("Mayor Fischer"), on behalf of the Louisville/Jefferson County Metro Government ("Metro Government"), retained Kerry Harvey of the law firm Dickinson Wright PLLC to conduct a review of the LMPD Explorer program. Mayor Fischer also suspended all operations of the Explorer program pending completion of the review.

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The Mayor instructed Mr. Harvey to evaluate five separate issues:

1. a review of the internal processes, policies and procedures concerning the Explorer program;

2. a review of whether any employment laws may have been violated;

3. a review of whether any ethics laws may have been violated;

4. the sufficiency of the checks and balances within the LMPD professional standards and public integrity components; and

5. a timeline showing when information or accusations were first shown, to whom same were reported, as well as subsequent actions and whether such actions followed Metro practices and policies.

Dickinson Wright, acting as attorneys for the Louisville Metro Government, conducted an objective internal review to satisfy this directive. The investigation team has reviewed the LMPD Public Integrity Unit ("PIU") case file as of March 17, 2017. The team has listened to all available audio recordings provided by PIU, and has reviewed all interview summaries disclosed by PIU. The team has independently interviewed over forty individuals associated with the Explorer's program, the Louisville Police Department, or the Metro Government. Our work

includes multiple interviews with Mayor Fischer, Deputy Mayor Ellen Hesen ("Deputy Mayor Hesen") and LMPD Chief Steve Conrad ("Chief Conrad"). The team has spoken, or attempted to speak, with all individuals that raised any concerns about any improprieties in the Explorer program. In total, statements of over eighty individuals have been utilized in compiling this report.

In addition, the investigative team has reviewed all documents provided by PIU. The team has reviewed the Explorer's internal policies and procedures and the checks and balances between the Professional Standards Unit ("PSU") and PIU components.[1] The team has constructed timelines involving the investigations into Kenneth Betts and Brandon Wood, documenting each investigative step taken. Finally, the team has constructed a timeline of each known inappropriate conduct taken by Officers Betts and Wood involving their association with the Explorer Program.

Our inquiry proceeded in parallel with a number of other investigations. The LMPD/PIU investigation has yielded two state court indictments. The FBI is conducting a criminal investigation, presumably focusing on potential violations of federal law. Attorneys defending the targets of criminal investigations are undoubtedly gathering evidence as well. Several civil suits have been filed as a result of this matter. The attorneys for all parties in the civil litigation are gathering information related to the allegations at issue.

These investigations differ in purpose and scope. Criminal investigations focus on whether there is sufficient evidence to warrant prosecution. The civil suits are adversarial proceedings in which the parties marshal the available evidence to obtain the best possible result. Neither the civil litigation nor the criminal investigation is designed to objectively chronicle the response of the Louisville Metro Government to the disturbing allegations arising from the LMPD Explorer Program. That is the purpose of our inquiry.

We do not seek to establish whether the accused are guilty or innocent, or whether a particular party is legally liable for damages. Our inquiry sought to document the events and the responses to those events as well as make judgments, where appropriate, concerning errors made along the way. Beyond guilt or innocence, there have been public charges that the alleged misconduct was "covered

[1] The Professional Standards Unit administratively investigates policy violations by members of the LMPD, while the Public Integrity Unit investigates criminal violations.

up" within the LMPD command staff. We sought to answer this fundamentally important question based on the information available to the investigative team. We acknowledge that, as with any investigation, there were limits on our ability to unearth all of the facts. We also understand that our conclusions are based on our analysis of what we know — others could view the same material and reach different conclusions. Our review has been conducted objectively. We began with no pre-existing bias toward any particular result.

We also note the obvious — our review looks back in time with the advantage of knowing how certain events unfolded. In some cases, we question judgments made by those charged with making them in real time. In so doing, we are mindful that hindsight is 20/20. All who ponder these issues should consider that much that we know today was unknown to those charged with making decisions in real time. In instances where we believe mistakes were made we say so. This does not imply that the actors were necessarily unreasonable or negligent in the legal sense, only that we believe a better choice could have been made.

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The team faced significant impediments throughout its investigation, some anticipated, others surprising. These impediments include:

* As with most internal investigations, the team did not have subpoena power. The inability to compel testimony and the production of documents is an inherent limitation on the internal investigation of most organizations.

* The team sought to interview a number of active duty LMPD officers. The Fraternal Order of Police ("FOP"), representing a bargaining unit which included those officers, objected based on its collective bargaining agreement with the Metro Government and other employment rules. Ultimately, the FOP filed suit, seeking to enjoin the team from questioning certain active duty officers. Rather than expose the Metro Government to additional delay and expense, the team withdrew its request to interview the officers in question. We believe that we were able to access at least a substantial portion of the information sought by interviewing former Explorers who are not currently serving as LMPD officers. Our inability to interview active duty officers has, however, limited our access to material witnesses.

* A number of search warrants were executed in this case. These include searches of the targets' homes, automobiles, mobile devices, and various social media accounts. The investigative team was not given access to the items seized.

* Early in our investigation we were contacted by the FBI Special Agent leading the federal investigation. The FBI, in conjunction with the Public Integrity Unit of the LMPD, is conducting an investigation arising from the Explorer issues. We do not know the scope or focus of that investigation.

The FBI expressed concern that, in some cases, we were interviewing material witnesses prior to the FBI and PIU. The agent also requested to be kept informed of our activities. Ultimately, we advised the agent of a number of witnesses we planned to interview. He asked us to defer our questioning of those witnesses until the FBI or PIU had conducted interviews. We agreed to defer to the FBI/PIU investigation, resulting in substantial delays of our work. We also agreed that we would substitute live interviews in a number of cases with a review of interview transcripts and/or summaries from PIU. The team reviewed the PIU files in May 2017, with the understanding that this review would be updated as the investigation progressed. At the agent's request, the team had regular calls with him in order to keep him informed of our planned activities and ensure appropriate de-confliction. For reasons that are unclear, the FBI changed this approach in August-September 2017. At that point, we were informed by the FBI that there was a concern that the team might be considered as part of the prosecution team for discovery purposes and that the FBI desired no further contact with our investigative team. We, of course, honored this request as the regular de-confliction calls were prompted by the FBI and not our investigative team.

Later, we requested to update our review of the PIU files. We understand that Chief Conrad, the County Attorney's Office and the Commonwealth Attorney's Office agreed to this request, but the federal authorities objected. We met with the federal authorities to discuss this matter and were advised that the information we sought was entirely protected by Federal Rule of Criminal Procedure 6(e), governing grand jury material. The investigative team disagrees with this legal analysis. While we are confident that the information we sought was subject to our prior agreement and is not protected grand jury material, we intend no criticism of the federal authorities. These are matters of good faith disagreement and the rules are often complex.

Nevertheless, that left the team with the choice of either completing this report based on the information we have, or conducting a high volume of new interviews that were deferred in contemplation of a review of the updated PIU files. The team determined that the time and expense necessary to conduct the additional

interviews was not justified, keeping in mind the different objectives of this investigation and the criminal inquiry.

Unsurprisingly, there were a number of individuals who we sought to interview who declined or were otherwise unavailable. These include:

* Brandon Wood. Mr. Wood has been indicted. Mr. Wood declined to speak with us.

* Kenneth Betts. Mr. Betts has been indicted. Mr. Betts declined to speak with us.

* David Yates. We placed multiple telephone calls and corresponded with David Yates. Mr. Yates was President of the Louisville Metro Council and initially represented certain plaintiffs in civil litigation arising from the LMPD/Explorers matter. According to media reports, Mr. Yates claims knowledge of misconduct regarding the Explorer program. We invited him to share that knowledge with us, but received no response. A copy of our correspondence to Mr. Yates is attached as Exhibit 1.

* Tad Thomas. We corresponded with attorney Tad Thomas, who now represents a number of plaintiffs in litigation arising from the LMPD/ Explorer matter. We invited Mr. Thomas to share his knowledge of any misconduct within that program, and to make his clients available for interviews. Mr. Thomas declined our requests. Our correspondence and his reply are attached as Exhibit 2.

* Jimmy Harper. We left a message with the attorney representing LMPD Officer Jimmy Harper. Mr. Harper has filed suit against the Louisville Metro Government based on certain personnel actions taken by LMPD. We are aware that deposition testimony obtained in that suit indicates that Mr. Harper may have knowledge of matters of interest to the investigative team. Our message left with Mr. Harper's attorney invited him to share that information with the team on a strictly voluntary basis. We received no response.

* Current LMPD Officers. The investigative team requested to speak to all current LMPD officers that had participated in the Explorer program. In response, Officers Brandon Paris, Matt Gelhausen, and Joey Keeling filed suit to prevent these interviews from occurring. As a result, the investigative team did not

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attempt to interview any other current LMPD officers. No current LMPD officers contacted the investigative team with information.

* The PIU investigators. The PIU investigators declined to speak with the investigative team regarding the on-going investigation, or to answer any questions as they arose.

As with any investigation, judgment calls must be made regarding its scope. Here, a perfectly thorough investigation would entail, for example, an interview of every individual who has participated in the LMPD Explorer program and every LMPD officer who has had contact with that program. For practical reasons we determined to limit the scope in order to achieve an appropriate balance of thoroughness versus time and expense.

Notwithstanding these limitations, the investigative team compiled a significant amount of information. This report sets forth the factual background involving the investigations and allegations of impropriety against Betts and Wood. It examines what information was known to senior LMPD officers, when this information became known, and what actions were taken. The report addresses each issue set forth by the Mayor's office. Finally, the report offers recommendations for best practices should the City decide to reinstate the Explorer program.

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II. BACKGROUND

A. The Explorer Program

The LMPD Explorer post is part of the national Law Enforcement Exploring Program. Youth who have completed the sixth grade through 20 years old are eligible. The program is designed to offer young people a personal awareness of the criminal justice system through training, practical experiences, competition and other activities. Explorers participate in classroom training as well as physical training and ride-alongs in police vehicles. Explorers also provide additional manpower to help police at public events, such as assisting with parking and logistical support to officers. Explorers do not carry a weapon or operate police vehicles and are not sworn law enforcement personnel.

Former LMPD Major Curtis Flaherty is the long-time advisor for the Explorer program. Major Flaherty first volunteered with the program in 1991,

while he was with the Jefferson County Police Department.[2] Major Flaherty became lead advisor for the program in approximately 1995, serving until his retirement in May 2017. On January 1, 2003, the City of Louisville merged with Jefferson County, resulting in the current Louisville Metro Police Department. The Jefferson County Explorer program continued as the LMPD Explorer program, with Major Flaherty serving as Lead Advisor.

The LMPD Explorer program does not have a dedicated budget and is staffed entirely by volunteers. While the LMPD provided some financial support to the program, funding was primarily derived from donations and membership dues.

The Explorer program is sponsored by the Boys Scouts of America ("BSA") Learning for Life program. All volunteers are required to undergo the BSA youth protection program training every two years.[3] An Explorer program cannot be chartered unless all advisors have received the training. The LMPD Explorer program satisfied all BSA youth protection training requirements for advisors.

From 2005 through 2017, 274 youths participated in the LMPD Explorer program. Records filed with the BSA indicate 11 LMPD personnel served as Explorer advisors from 2009 – 2017.

Betts joined the Jefferson County Explorer program in September 1999. Wood joined the Jefferson County Explorer program in June 2000. In February 2006, Betts joined the LMPD as a recruit. In November 2007, Wood joined the LMPD as a recruit.

The only reported incident of sexual misconduct in the LMPD Explorer program occurred in July 2013. This incident, however, was not the only instance of improper sexual contact between an Explorer and an Advisor.

B. LMPD Organization

The LMPD is led by Chief Steve Conrad. Chief Conrad became Chief on March 19, 2012. Prior to his appointment, the LMPD was led by Robert White from 2003 – 2011.

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[2] Flaherty was promoted to Major on August 29, 2014.

[3] The BSA youth protection program is discussed more fully in the Policies and Procedures section, *infra*, and included in Exhibit 3, Selected Policies and Procedures.

Chief Conrad's senior command staff consists of a civilian legal advisor, a Deputy Chief of Police, and an operations manager lieutenant. The next line of supervision consists of the Special Investigations Division, an Administrative Bureau, a Support Bureau, and a Patrol Bureau.[4]

The Special Investigations Division Major oversees the PIU and the PSU. The PIU is responsible for, *inter alia*, conducting investigations of alleged felonious activity or corruption involving members of the Metro Government, and conducting any investigation deemed necessary by the Chief of Police that may be of a sensitive nature or may affect the public's trust. This includes, but is not limited to, allegations of sexual misconduct by Metro Government employees.

The Special Investigations Division Commander reviews all complaints to determine whether PIU should investigate the matter. Upon the determination to conduct an investigation, the matter will be assigned a case number and will be logged into the PIU case tracking database. Upon completion, a case will be closed with one of the following designations:

* closed/unfounded – the allegation has no merit.
* closed/exonerated – the incident occurred but was within the guidelines of local, state and federal laws.
* closed/unable to substantiate allegations – all investigative leads have been exhausted. The case will remain suspended until further information is received to warrant the case being re-opened.
* closed/with prosecution – the investigation resulted in the suspect being prosecuted.
* closed/prosecution declined – the investigation was presented to the Commonwealth or County Attorney's office but was declined prosecution.
* closed/by exception – the investigation was primarily conducted by another agency and division in which the subject ceased his or her employment with the Metro Government and PIU no longer has the need to monitor.

Once a PIU investigation is completed it can be sent to the PSU for a determination of whether any violations of LMPD policy occurred. The PSU is

[4] An organizational chart is included as Exhibit 4.

tasked with investigating allegations of misconduct by any LMPD employee. "Misconduct" is defined as "commission of a criminal act, neglect of duty, violation of any Department policy, procedure, rule, regulation, core value or training standard; conduct which may reflect unfavorably upon the employee and/or the Department."[5] These administrative investigations must supply the Chief with reasonable and defensible evidence upon which to make his findings and conclusions and implement the appropriate disciplinary measures.

Administrative investigations into formal allegations of misconduct are opened in one of two ways. A citizen can sign and swear to an affidavit of complaint in front of a PSU investigator. In some circumstances, PSU will accept a sworn affidavit that has been witnessed by a notary public. The LMPD also allows citizens to electronically file a complaint via its website. The second method of origination is by an order of the Chief of Police to initiate an investigation.

After a case has been opened, the subject and the subject's unit commander receive a notice. Accused employees cannot be interviewed until 48 hours have passed after an interview is requested. All interviews are to be recorded and taken under oath. A PSU investigation must be resolved in one of the following ways:

* sustained – there was sufficient information to prove the allegation.
* not sustained – there was not sufficient information to prove the allegation.
* exonerated –the incident occurred as reported, but was lawful or proper.
* unfounded – the allegation is baseless or false.
* closed by exception – the investigation was closed by direction of the Chief of Police or the complainant withdrew the complaint.

After the investigator completes the review, it is forwarded to the Unit Commander for review. After the Commander completes his/her review and recommends findings, the case is forwarded to the Special Investigations Division Commander. The case is thereafter sent to the Chief of Police, who makes the final determination. The Chief is the sole authority who determines the final findings and administers any disciplinary actions. If the employee disagrees with the discipline, he/she may appeal the decision to the Metro Government Merit Board for a hearing to affirm, change or revoke the discipline.

[5] *See* Unit Guidelines, Exhibit 5.

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III. FACTS

A. Kenneth Betts

1. July 2013

On July 20, 2013, an Explorer detail was assigned to work the St. Agnes Catholic Church picnic. Officer Brandon Paris was working the event as an off-duty officer. While sitting in his patrol car, Officer Paris was approached by Explorer 1. Explorer 1 asked if she could speak with Officer Paris and got into the patrol car.

Explorer 1 confided that she had been receiving phone calls and text messages from Officer Kenneth Betts ("Betts"). The calls and texts began shortly after she attended the Seventh Annual Explorer Academy at Campbellsville University, held June 10-15, 2013. Explorer 1 was uncomfortable with the calls or text messages. Explorer 1 said Betts would call her and ask her to go on runs with him. Betts also texted Explorer 1 shirtless photographs, purportedly of himself. Officer Paris informed Explorer 1 this was inappropriate behavior and asked if she had reported it to anyone. Explorer 1 said she had not informed anyone of her communications with Betts.

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Officer Paris then instructed Explorer 1 to send a text to Betts to see how he responded. Officer Paris instructed Explorer 1 what to type. The following text conversation took place at 6:22 p.m.:

Explorer 1: "Hey"

Betts: "What's going on?"

Explorer 1: "At the St. Agnes picnic"

Betts: "Till what time?"

Explorer 1: "Like 12 midnight"

Betts: "Maybe I should come out and see you."

Explorer 1: "When?"

Betts: "2130?"

Betts: "Who is the advisor there?"

Explorer 1: "B. parris"

Betts: "so you wanna see me"

Explorer 1: "Ya . . . what we gonna do?"

Betts: "Idk whatcha got in mind?"

Explorer 1: "Go behind school . . . But u tell me what u want to do"

Betts: "Want me to wear uniform or plain clothes"

Explorer 1: "Idc. But tell me what u want to do."

Betts: "Will anyone see us?"

Explorer 1: "No"

Betts: "I wanna surprise you ;-)"

Explorer 1: "Just tell me so I know :)"

Betts: "I really want to make out"

Betts: "?"

Betts: "Whats up?"

Betts: "Hey"

Explorer 1 had no further text conversation with Betts.[6] She called her parents, who picked her up and took her to dinner. Explorer 1 also texted Explorer

[6] The text exchange and pictures are attached in Exhibit 6.

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Advisor Julie Schmidt asking to talk. Separately, Officer Paris also called Officer Schmidt to advise her of the inappropriate text messages. Officer Schmidt notified Flaherty of the misconduct. In addition to serving as Lead Explorer advisor, Flaherty was Commander of the Public Integrity Unit. Flaherty sent Sgt. Jackie Smith and Sgt. Rick Polin to Explorer 1's home that evening to interview her. Neither Sgt. Smith nor Sgt. Polin were affiliated with the Explorer program. Officer Schmidt accompanied Smith and Polin to Explorer 1's house due to her relationship with Explorer 1.

Sgt. Smith, Sgt. Polin and Officer Schmidt interviewed Explorer 1 in the presence of her parents on the evening of July 20, 2013. The officers copied the text messages and asked Explorer 1 whether Betts had made any inappropriate physical contact with her. Explorer 1 stated she had never had physical contact with Betts.

Based upon this information, Sgt. Smith and Sgt. Polin did not believe Betts had committed any criminal acts. The matter was therefore forwarded to PSU for investigation. Flaherty did not open a case file for the PIU interview conducted by Sgt. Smith and Sgt. Polin, and the officers did not record the interview.

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Betts was given the option of resigning or being dismissed as an Explorer advisor. On Monday, July 22, Betts resigned from the LMPD Explorer program.

On July 29, 2013, Chief Conrad directed PSU Lt. Matt Meagher to initiate a professional standards investigation into Betts' improper contact with a female Explorer. That same day, Lt. Meagher sent a 48 hour notice to Betts, advising him of the complaint and notifying Betts he would be interviewed.

On July 30, 2013, Sgt. Mann interviewed Explorer 1 at her home. He was accompanied by Sgt. Alan Bybee. Explorer 1 signed an oath affirming to tell the truth. The interview was tape recorded. Explorer 1's parents were present for the interview.

Explorer 1 attended the Explorer summer camp, held June 10-15, 2013. Betts' inappropriate behavior began at this camp. Explorer 1 stated that while at the camp, Betts would make "weird perverted comments" about other girls at the camp, "like if they were ugly or if they were good-looking or if their like butt was good or whatever . . . ."

Betts asked Explorer 1 for her phone number at the camp, and she gave him the number. Betts began texting Explorer 1 approximately four weeks after the camp. He sent Explorer 1 photographs of himself in uniform next to his police car. Betts also sent pictures of a shirtless male. Explorer 1 could tell the individual was not Betts. Explorer 1 had the shirtless photos on her phone, as well as the July 20th text message. She did not have any other messages or pictures.

Betts also made inappropriate comments to Explorer 1. Betts asked Explorer 1 to go on a run with him. Although he said there would be multiple people joining them, nobody else showed up. This occurred after an Explorer meeting at the Taylor Boulevard facility. Explorer 1 did not go running with Betts. On another occasion, Betts told Explorer 1 "let's do a make-out workout and see where it leads."

At some point in July, Explorer 1 told Betts to stop texting her. He agreed to stop, and asked Explorer 1 if she would set him up with her sister. Explorer 1 declined this request. Despite the promise to stop texting, Betts continued. Explorer 1 did not like being texted by Betts. "I kind of felt like weird and stressed out and . . . just felt disgusted because like this dirty old man is texting me . . . ."

These events led Explorer 1 to confide in Officer Brandon Paris at the St. Agnes picnic on July 20th. Explorer 1 told Officer Paris about her communications with Betts. This led to the above text exchange with Betts. Explorer 1 then called her parents to pick her up. Her parents came and took Explorer 1 to dinner. Explorer 1 did not tell her parents about the text exchange with Betts at this time.

That night, Officer Schmidt, Sgt. Smith and Sgt. Polin visited Explorer 1 and her parents to ask about the incident. Explorer 1 provided Betts' text and pictures to Sgt. Smith.

Explorer 1 denied any inappropriate physical contact with Betts:

Mann: I don't know another way to say it, other than to come out and say it, did he ever inappropriately touch you in a sexual manner?

Ex. 1: No, sir.

Mann: He never tried to force himself on you sexually?

Ex. 1: No, sir.

Mann: The only sexual comment we have is the one on this text message here and then the make-out workout session, is that correct?

Ex. 1: Yes.

At another point in the conversation, Explorer 1 again denied any physical contact with Betts.

Mann: Has there ever been any kind of inappropriate contact or touching when you all were alone?

Ex. 1: No, I've never been alone with him.

Explorer 1 denied receiving any inappropriate emails or Facebook messages from Betts. Sgt. Mann then asked if there was anything else he needed to know:

Ex. 1: Well, Brandon like we also knew that like he tried to do this with other people before but the other people were like too scared to tell anybody like I heard that he tried to do this with a boy and girls also . . .

Sgt. Mann asked for more specifics. Explorer 1 stated she had not heard this from any victims, but from other people. Explorer 1 identified Officer Brandon Wood ("Wood") as the source of the information. She had been speaking to Wood about Betts prior to the July 20, 2013 texting incident. Explorer 1 told Wood that Betts was "weird."[7] Wood told Explorer 1 that she "should tell someone."

According to Explorer 1, Wood told her Betts had performed oral sex on a former Explorer now working as a police officer in Central Kentucky. Explorer 1 told Sgt. Mann this individual was an adult when the sexual encounter happened. Sgt. Mann questioned Explorer 1 further:

[7] The interview did not establish what information Explorer 1 provided to Wood to indicate that Betts was "weird", or precisely when the conversation occurred. However, since Explorer 1 did not have contact with Betts until after the Explorer camp, the timeframe would have been a few weeks after the camp (which occurred June 10 -15) and the July 20 St. Agnes texts.

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Mann: And what I'm getting at here is are there rumors about him trying this with other Explorers, any other underage people?

Ex. 1: Yes, I'm pretty sure because they, I was told and he like gave great examples and he also talked to boy Explorers and girl Explorers but those people were like scared to talk to Lieutenant Flaherty about it so they never did.

Mann: Are these people, are they Explorers now or old Explorers?

Ex. 1: I think they're old Explorers, they're not in the program any more.

Mann: Do you remember their names?

Ex. 1: No, sir.

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Sgt. Mann next spoke with Explorer 1's parents. During this conversation, Sgt. Bybee asked Explorer 1 again if she was aware of Betts behaving inappropriately around other Explorers:

Bybee: Are you aware of any other, you've kind of already spoke to this Just directly, there are other female Explorers involved in the program, is that right?

Ex. 1: Yes, sir.

Bybee: Do you know, have they ever told you anything, I mean, have they told you Kenny's sending me text messages or . . .

Ex. 1: No, sir, I haven't heard anything.

Mann: [addressing Explorer 1's mother] is there anything you'd like to add?

Mother: Well, a comment too that is that she hasn't told anyone other than the officers about Mr. Betts so that's probably why she hasn't had any conversations with any other females there and

then after all this came to surface she was told by the leaders, you know, not to tell anybody and then she didn't go to the last meeting so . . . .

No follow up questions were asked about the directive "not to tell anybody," and the interview concluded shortly thereafter.

On July 31, 2013, Sgt. Mann called Explorer 1's mother to request permission to do a forensic exam on Explorer 1's cell phone. Her mother agreed.

On August 1, 2013, Sgt. Mann again called Explorer 1's mother to ask about conversations she and her husband had with Flaherty. Explorer 1's mother responded:

Mother: Well, Lieutenant Flaherty had contacted my husband after I had spoken with you making arrangements to have the interview and I had also notified my husband to let him know that this was a scheduled time that you all were coming, um, then after that phone call he received a phone call from the Lieutenant Flaherty kind of giving us a heads-up so to speak that we were going to possibly be getting a phone call from the internal affairs and my husband said well my wife has already received the call and he then proceeded to say well you all don't have to talk to them if you don't want to, and I don't know the details word for word but basically that's what my husband relayed to me.

. . .

Mann: And did you and your husband have a conversation about how that made you all feel?

Mother: Yes, after you all had left, uh, after we concluded the interview with our daughter we discussed it amongst ourselves, said that kind of gave us the feeling that he was trying to deter us into talking to the internal affairs, letting us know that we didn't have to but we just felt like that was kind of odd, um, coming from his aspect that he would deter us into talking to you all.

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Explorer 1's mother also said Flaherty spoke highly of Explorer 1 and gave the impression that whether or not they spoke to internal affairs "wouldn't have any effect" on her being in the Explorer program.[8]

On August 2, 2013, Sgt. Mann interviewed Explorer 1's father. The father had two conversations with Flaherty. In the first conversation, he called Flaherty to ask him what the procedures were going to be for the investigation into the texting incident. Explorer 1's father told Flaherty "we weren't looking out for this guy's badge or anything but I wanted something to make sure something got in this guy's file . . . and we wanted to make sure that you know the guy was no longer in the Explorer program." The date of this conversation is not noted.

Flaherty thereafter called Explorer 1's father on July 30th. Flaherty expressed support for Explorer 1 and he wanted "her to feel like there was not gonna be any recourse against her whatsoever." He also mentioned that some people from the police department were going to come speak to the family. Flaherty told Explorer 1's father "you can or you can't" speak to the police and it "was up to you." Sgt. Mann inquired further:

Mann: So did he in any way try to influence you or coerce you into not giving a statement to internal affairs?

Father: Not at all.

Sgt. Mann confirmed Explorer 1's story with Officer Brandon Paris. Officer Paris stated that Explorer 1 approached him at the St. Agnes picnic and confided to him that Betts "makes her feel uncomfortable." Explorer 1 told Officer Paris that Betts "talks to her all the time" and that "it gets weird sometimes" because Betts was always asking her to hang out. Explorer 1 told Officer Paris she had not told anyone of her concerns.

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[8] In addition, Sgt. Mann asked Explorer 1's mother about a conversation with her neighbor. According to the neighbor, a man drove up to Explorer 1's house in a small silver car and knocked on the front door. When no one answered, the man went around to the back. When the neighbor yelled at the man, he left. Explorer 1's mother took a photograph, apparently of several police officers, and asked the neighbor if she could identify the man, as Explorer 1's mother was concerned it was Betts. The neighbor identified another LMPD officer, Brad Schuhmann, as the visitor. Sgt. Mann investigated this matter. Officer Schuhmann denied going to Explorer 1's house and had an alibi for the time period in question. In addition, he did not have access to a small silver car. The identity of the person is not known.

Explorer 1 then told Officer Paris that Betts had sent her pictures of a shirtless male. Officer Paris told Explorer 1 that was a problem and Betts shouldn't be texting her. He asked Explorer 1 if Betts had sent her any other pictures. Explorer 1 denied receiving any other pictures from Betts.

Officer Paris then directed Explorer 1 to send the text message detailed above. Officer Paris told Explorer 1 what to say, and Explorer 1 sent the messages to Betts while sitting in the patrol car. Officer Paris called Julie Schmidt, another Explorer advisor, to report the misconduct. He did not inform Major Flaherty or anyone in his chain of command.

Officer Paris had heard rumors that Betts had "maybe tried to hit on" another former Explorer ("Explorer 2"). Officer Paris told Sgt. Mann his name, and explained that Explorer 2 was a former Explorer from a [redacted] Kentucky program who had come to Louisville to do a ride-along with Betts when the conduct occurred. Officer Paris was not aware of any other allegations of misconduct within the Explorer program, and no other Explorers had told him of any similar behavior. Officer Paris had previously been an Explorer himself in the LMPD program, and participated in the program at the same time as Betts. He had never seen Betts act inappropriately prior to his actions with Explorer 1.

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Sgt. Mann next interviewed Officer Brandon Wood, also on August 2. Wood stated that Explorer 1 approached him after the Explorer meeting on July 8th. Explorer 1 told him that Betts had been texting her since the Explorer camp in June. The texts were making Explorer 1 uncomfortable. Wood advised Explorer 1 to tell Betts to stop texting her, and if he continued, to tell Flaherty. Explorer 1 did not share any of the texts with Wood, and did not tell him Betts had sent her any pictures. Wood admitted that he did not tell Flaherty about Betts' conduct with Explorer 1.

Wood also told Explorer 1 "that you may want to veer away from Kenny." Wood said that "a friend of his" had told him Betts had sent texts requesting sex. This friend ("Explorer 2") had been an Explorer at a police force in [redacted] Kentucky. Betts met Explorer 2 at the summer Explorer camp while Betts was an advisor. Wood did not know Explorer 2's age at the time Betts requested sex. "He's [Explorer 2] 22 now so it's been a couple of years so he was probably at least 18." Wood conceded that Explorer 2 could have been under 18 at the time Betts pursued him.

Explorer 2 asked Wood for advice on how to deal with Betts. Wood told him to report the conduct to Flaherty. Explorer 2 never informed Flaherty of Betts' conduct. According to Wood, "I know he did not, because I asked the lieutenant about it before and the lieutenant said that he [Explorer 2] never came to him about it." Wood told Flaherty that Explorer 2 might come to him about an issue. Specifically, Wood stated that he told Flaherty "You may get information about this and gave him a heads up about it."[9] According to Officer Wood, Flaherty said that he would wait for Explorer 2 to contact him because he needed a victim to move forward with any investigation.

Sgt. Mann specifically asked Officer Wood whether he knew about any other inappropriate contact between Betts and any Explorer. Wood denied any such knowledge. Sgt. Mann then asked Officer Wood if he knew of anyone working with the Explorers that was engaged in any improper contact with the Explorers. Again, Wood denied any such knowledge. Although Wood has since been accused of misconduct with Explorers, Sgt. Mann had no reason to suspect this in 2013.

Sgt. Mann interviewed Officer Brad Schuhmann on August 6th. Officer Schuhmann was asked whether he had gone to Explorer 1's house on July 30th. Officer Schuhmann denied ever going to Explorer 1's house, and said he was at home during the time in question. This was confirmed by Officer Schuhmann's girlfriend, who was with him at the time. Sgt. Mann also confirmed Officer Schuhmann did not have access to a car that fit the description of the small silver vehicle seen at Explorer 1's house.

Sgt. Mann asked whether Officer Schuhmann had ever seen Betts act inappropriately around the Explorers. Schuhmann denied witnessing any misconduct, but stated he had heard rumors of Betts "having inappropriate text messages with one of the Explorers." Officer Schuhmann did not know any other information, such as the Explorer's name. He believed Officer Wood was the source of the rumor.

[9] Wood's statement is unclear as to whether he told Flaherty about the sexual nature of Betts' texts. Flaherty denied he was told Betts was sexually propositioning Explorer 2. Explorer 2 confirmed he did not tell Flaherty about Betts' texts. Wood declined to answer any questions.

2. Explorer 2

Sgt. Mann sought out Explorer 2 based upon his investigation. Sgt. Mann spoke to Explorer 2 on the phone on August 5, 2013, and conducted an in-person interview on August 16.

Explorer 2 had been a member of a [redacted] Kentucky Explorer program. He was not part of the LMPD program. Explorer 2 stated he first met Wood and Betts in 2008 at the Explorer academy at Campbellsville University, where both Wood and Betts were serving as an advisor. However, records from the 2008 Explorer camp do not show Explorer 2 as an attendee. The first records of Explorer 2 attending Explorer camp was in 2009. Explorer 2 turned 18 in March 2009, and was eighteen at the time of the 2009 camp. Documentation shows Explorer 2 participated in the summer camp in 2009 and 2010.

Shortly after the camp, Explorer 2 began coming to Louisville to do ride-alongs with Betts and Wood. The ride-alongs occurred in the evening, and Explorer 2 would frequently spend the night at the home of either Wood or Betts. Explorer 2 stated he did between 20-30 ride-alongs with Betts, but only filled out paperwork two or three times. According to Explorer 2, he was no longer an Explorer at this time. "I didn't come down and ride with him as an Explorer, it was after I was an Explorer so it probably would have had to be after I was 18." Explorer 2's problems with Betts began when Explorer 2 started spending the night at Betts' house.[10]

Betts began sending sexually inappropriate messages to Explorer 2 sometime after Explorer 2's first summer camp, believed to be 2009. In these texts, Betts requested Explorer 2 to have sex with Betts and Betts' girlfriend. Betts sent shirtless photographs of himself to Explorer 2. Betts also asked to give and receive oral sex from Explorer 2. Betts made these requests via text, and in person when Explorer 2 was doing ride-alongs alone with Betts and when he stayed at Betts' house. Explorer 2 denied ever having any sexual contact with Betts. Explorer 2 told Wood about these events when they started.

[10] The inappropriate contact started after his first Explorer camp. Explorer 2 was 17 in 2008 and 18 at the time of the 2009 camp. Camp records show Explorer 2 first attended camp in 2009. It therefore appears Explorer 2 was 18 at the time.

Explorer 2 received a speeding ticket in Boone County in 2010. Explorer 2 was 18 at the time. Explorer 2 was concerned that the speeding ticket would prevent him from becoming a police officer. Betts offered to "take care" of the speeding ticket for Explorer 2. According to Explorer 2, Betts said he called Boone County and told the authorities that Explorer 2 was a confidential informant in a drug case, and therefore needed to have the ticket dropped. Betts requested sex in exchange for "fixing" the ticket. In fact, Explorer 2 was not a confidential informant. Boone County did not dismiss the speeding ticket, and Explorer 2 went to court and paid the appropriate fine. It is not clear from the record whether Betts actually attempted to have Explorer 2's speeding ticket dismissed.

In addition to doing several undocumented ride-alongs, Betts offered to let Explorer 2 drive his patrol car and make traffic stops. Betts offered Explorer 2 a bulletproof vest, but did not offer him a weapon. Explorer 2 declined to drive the patrol car, wear the vest or make traffic stops.

Explorer 2 faced some financial difficulty while in college. Betts was aware of this and offered to give Explorer 2 money in exchange for sex on multiple occasions. Betts offered Explorer 2 $400 in exchange for oral sex. Explorer 2 was over eighteen at this time. Explorer 2 denied having sex with Betts.

Explorer 2 wanted to become a police officer and applied to several departments. Betts wrote letters of recommendation in support of Explorer 2's candidacy. In return, Betts requested sexual favors. Betts threatened to give Explorer 2 bad references if he did not have sex with Betts. Explorer 2 again denied ever having sex with Betts.

One evening after a ride-along Explorer 2 spent the night at Betts' house. Betts came into Explorer 2's room and, fully clothed, jumped into bed with Explorer 2 and requested sex. According to Explorer 2, Betts said "Let's do this. No one needs to know." Explorer 2 was over eighteen at the time. Explorer 2 did not have sex with Betts and left the house. Explorer 2 went to Wood's house, where he informed Officer Wood of Betts' behavior. Explorer 2 left a jacket and a pair of prescription glasses at Betts' house.

Wood was angered by Betts' conduct. According to Explorer 2, Wood said "that's not right, that pisses me off, he's like I'm going to do something about that, he's like if you don't contact Flaherty I'm gonna." Explorer 2 told Wood he didn't want Flaherty to know. Nonetheless, Wood contacted Flaherty. Explorer 2 does not

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know what Wood told Flaherty; Wood simply told Explorer 2 "you'll probably be getting some sort of contact from Lieutenant Flaherty soon."

Flaherty thereafter emailed and called Explorer 2, leaving a voice mail asking to speak with him. Explorer 2 did not respond to Flaherty's email or voicemail:

> Lieutenant Flaherty did call me several times and left a voice mail and left an email asked me to get back with him but at that point I got scared and I didn't want to pursue it, I didn't want to you know be the cause of somebody losing their job, I didn't want to shake things up or lose any friends things like that, so I didn't return any of the call or emails to Lieutenant Flaherty.

Explorer 2 called Betts to try to retrieve his jacket and glasses. Betts refused to ship Explorer 2 the items, nor would he give the items to Wood because Betts said he "didn't trust" Wood. Betts told Explorer 2 he would have to personally come and pick up the jacket and glasses. Explorer 2 declined to do so.

Explorer 2 did not stay at Betts' house after this incident. From the interviews available, it appears Betts did not contact Explorer 2 again until 2013, when he asked if he would like to be staff at the Explorer summer camp. Explorer 2 – now an emergency medical technician – agreed to attend. Betts made no inappropriate contact with Explorer 2 during this camp. However, Betts did remark that one of the female Explorers "was hot and he'd like to get with her and things like that." The female was Explorer 1. Explorer 2 did not tell Flaherty or anyone else of Betts' inappropriate comments about Explorer 1.

Based upon his investigation, on August 19 Sgt. Mann served Flaherty with a 48 hour notice for an interview to question him about whether he improperly contacted Explorer 1's family after a PSU investigation had begun. Sgt. Mann also sought to question Flaherty about his knowledge and response to the allegations involving Explorer 2. Sgt. Mann also sent Betts a supplemental 48 hour notice on the same date informing him the PSU investigation had expanded to include Betts' alleged misconduct with Explorer 2.

Flaherty waived his right to the 48 hour notice and agreed to speak to Sgt. Mann on August 19. Flaherty stated that Wood had told him "there was some kind of dispute between [Explorer 2] and Kenny Betts over a pair of sunglasses."

Flaherty asked Wood why he was telling him this, because both Explorer 2 and Betts were adults. Flaherty knew Explorer 2 from the Explorer camps, but Explorer 2 had never been a member of the LMPD program. Wood told Flaherty "there's more to it" and gave Flaherty Explorer 2's phone number.

Flaherty called Explorer 2 at least twice, and left a voice mail asking Explorer 2 to give him a call on his cell phone. Explorer 2 never returned the call. Flaherty stated he was never informed of any inappropriate conduct by Betts from either Wood or Explorer 2. Had he known, Flaherty "would have reacted immediately."

Sgt. Mann asked Flaherty about his actions with Explorer 1. Flaherty stated he heard about the July 20 incident that evening from Officer Schmidt. He thereafter called Sgt. Smith, who was on duty, and directed her to go to the house to retrieve the text messages. Sgt. Smith asked Sgt. Polin to go with her to Explorer 2's house. Flaherty sent the sergeants out that evening because he wanted to preserve the text messages, as he did not know on July 20 whether this was a criminal or administrative issue.

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Sgt. Smith and Sgt. Polin retrieved the text messages, spoke with Explorer 1 and her parents, and consulted with someone from the Sex Crimes unit. Based upon this consultation and their interview, Sgt. Smith and Sgt. Polin determined this was not a criminal violation. Sgt. Smith and Sgt. Polin also told Flaherty that Explorer 1's family "wasn't really keen on pushing" the issue.

On Monday, July 22, Flaherty took this information to his supervisor, Major Burbrink. Flaherty also told Major Burbrink the family wasn't very interested in pursuing the incident. Flaherty told Major Burbrink that if he thought "we ought to move forward criminally then let me know or however you want to handle it, basically forwarded it to him and the reason I did that too is because you know obviously I've known Kenny Betts since he was 14 and I think that I wanted someone else to have that because I don't want somebody to come back and say there's a conflict of interest."

The following Monday, July 29, Explorer 1 did not attend the Explorer meeting. Flaherty therefore got her phone number from one of the other Explorers and called to check on her. Flaherty also asked to speak to her mother. Explorer 1's mother told Lt. Flaherty her daughter did not feel like coming to the Explorer meeting that evening. Flaherty assured Explorer 1's mother that Betts was no

longer a part of the program and would not have further contact with Explorer 1. According to Flaherty, Explorer 1's mother expressed concern about retribution against her daughter for disclosing Betts' misconduct. Flaherty assured Explorer 1's mother there would be no retribution against her daughter that only a few other Explorers knew about the event, and these Explorers would be told not to discuss the incident.

Flaherty called Explorer 1's father after Chief Conrad initiated the PSU investigation against Betts. Her father asked whether Explorer 1 would need to give a statement to PSU and whether Flaherty "want[ed] her to get involved." Flaherty responded, "I said well that's totally up to you as parents, you all have to decide that. I said you know I'm not gonna tell you what to do or what not to do, I said that's your choice as a parent . . . ." Flaherty expressly denied he was attempting to discourage Explorer 1 from cooperating with the PSU investigation. Upon further questioning from Sgt. Mann about his statement it was "up to you as parents" to decide whether to cooperate, Flaherty answered:

> I was reacting to his concerns about, he was concerned that if she cooperated or not cooperated, depending on what she did it would be held against her, I said regardless of what she does it will not affect her membership in the Explorer program, I can assure you that she will continue to be a member in good standing, uh again he expressed a little bit of concern about retribution again and I assured him that if Officer Betts comes around, contacts her, you know, please feel free to call me and I gave him my cell phone and left him my cell phone number again but at no time did I try to discourage him from filing a complaint, I would never do that.

Flaherty believed Betts' conduct was "extremely inappropriate" and stated he contacted the Explorer representative in Louisville to inform the program of Betts' misconduct.

Concerned about the allegations of misconduct involving two Explorers, Sgt. Mann asked Flaherty if Betts was a predator:

> Mann: Lemme ask you this, and this is gonna be your opinion and if you don't want to answer it you don't have to, but if this [Explorer 2] stuff is true, you know, we've got Officer Betts meeting another Explorer, not one of our Explorers but through

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the Explorer camp and if he indeed had this kind of contact through text messaging (inaudible) sexual in nature, is that an area of concern, do we have a pattern of behavior here between Officer Betts preying on Explorers?

Flaherty: It's possible, I mean, I've never had an indication of that but . . .

Mann: Any other rumors about Kenny Betts having inappropriate contact with any other Explorers?

Flaherty: Not that I'm aware of.

Mann: And I know you only work with him through the Explorer post, I believe you've known him since he was 14, any kind of allegations out there about him being inappropriate on traffic stops, anything that would make us say hey there's something else going on here?

Flaherty: No.

Mann: So we have this incident, because we have the text messages we can be pretty confident that this conversation took place, the call logs would show a number of text messages back and forth between Kenny Betts and this 16 year old girl, uh, an then we've got these allegations about [Explorer 2] being an Explorer, I mean, I guess what I'm trying to say, you already answered this I believe, this could be a predator mentality.

Flaherty: Well, I mean, I'm not an expert on that so I don't know, I mean . . . the whole thing surprised me, I would never have guessed that Kenny would have engaged in this kind of conduct, obviously if I thought he would have he would have never had any association with the Explorer program.

Finally, Sgt. Mann and Sgt. Brian Tucker interviewed Officer Betts on August 29th. Betts stated he did not have much interaction with Explorer 1 until the Explorer camp in June. Betts said Explorer 1 became "very flirtatious" with him on the last day of camp. Betts did not recall giving Explorer 1 his phone number, and stated he provided it to all of the campers because he was in charge of

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training. Betts did not recall how he obtained Explorer 1's phone number and says he did believe he asked her for it. Betts stated he began texting Explorer 1 while at camp.[11]

Betts acknowledged he sent the texts on July 20th to Explorer 1, and admitted there was "sexual innuendo" in the exchange. Betts stated it was "definitely an error in my judgment." Betts explained that he had recently been diagnosed with [redacted] Betts stated this was not an excuse for his behavior.

Betts stated he did not have any intention of meeting Explorer 1 on July 20th, as he was in Florida on vacation at the time.[13] Betts stated he never tried to go on runs alone with Explorer 1 and was never alone with her. Betts admitted he sent Explorer 1 pictures from the Explorer camp and pictures of himself in uniform. Betts denied sending other pictures of himself. He could not recall sending a picture of a shirtless male to Explorer 1. Betts stated that at one time Explorer 1 asked him to stop texting her, but says she later apologized and said she did not mean it. Betts did not remember that Explorer 1 turned 16 at the camp.

Betts told Sgt. Mann that he had deleted Explorer 1's contact information from his phone. Betts also stated that he did not have the Snap Chat app on his phone. Sgt. Mann and Sgt. Tucker looked at Betts' phone and found Explorer 1's contact information and the Snap Chat app. When asked to explain, Betts said he had tried to delete the contact, but "you can't delete anything nowadays."

Sgt. Mann then asked Betts about Explorer 2. Betts met Explorer 2 at an Explorer summer camp. Betts was an advisor and Explorer 2 was an attendee. Betts did not recall the year.

Betts admitted he texted Explorer 2, and that the texts became sexual in nature. Betts says Explorer 2 was 20 or 21 at the time, and the texting started

[11] According to Betts, he had "very limited" communication with Explorer 1 until Friday, June 14th. The camp ended on Saturday, June 15.

[12] [redacted]

[13] The investigative team did not have access to cell phone or financial records to confirm Betts was in Florida on July 20. Nothing in the PSU files confirm Betts' location at the time he was texting Explorer 1.

after Explorer 2 left the [redacted] Kentucky Explorer program. Betts believes Explorer 2 was approximately 21 years old when the sexual texts started, as Explorer 2 was applying to various law enforcement agencies at the time. According to Betts, the texts became sexual sometime in 2012.

Betts admitted Explorer 2 accompanied him on ride-alongs. Betts denied letting Explorer 2 drive his patrol car, denied offering Explorer 2 money for sex, and denied offering to fix a speeding ticket in return for sex. Betts states that he suggested Explorer 2 sign up as a confidential informant in [redacted] Kentucky, but denies suggesting Explorer 2 could serve as an informant in Louisville.[14] Betts admitted he had some physical "contact" with Explorer 2, and claimed Explorer 2 was 20 or 21 at the time. Betts said it was initiated by both he and Explorer 2.

Betts confirmed he had taken the Boy Scouts of America youth protection training, and admitted that an advisor was not supposed to be alone with an Explorer.[15]

In addition to these interviews, Sgt. Mann received consent to search Explorer 1's phone. The phone was sent to the RCFL[16] for forensic examination. The examination revealed hundreds of text messages and pictures from June – July 2013.[17] None of these texts or pictures could be linked to Betts' phone. According to the RCFL, it is common that iPhones do not provide full information. The investigative team reviewed these text messages, but the communications do not show the phone number of the recipient. The RCFL's forensic report was not available to the investigative team.

Sgt. Mann also obtained Explorer 1's phone bill from AT&T. The bill showed 232 text messages and 8 pictures sent between Betts and Explorer 1 between June 18, 2013 and July 12, 2013. None of the date and time stamps known to have come from Betts match up to the RCFL forensic report. Moreover, the known communication between Explorer 1 and Betts on July 20, 2013 are not present on either the AT& T bill or the RCFL report. This indicates Explorer 1 and Betts used

[14] Explorer 2 was not a confidential informant for the LMPD.
[15] Betts completed his youth protection training on December 9, 2012.
[16] The RCFL is the Regional Computer Forensics Laboratory. It is a program established by the FBI that examines digital evidence for law enforcement agencies.
[17] The reliability of the dates on these texts are highly suspect. While most texts are in the June/July time frame, there are documented texts from as early as May 28, 2013. In addition, one text is time stamped April 10, 2005, which is clearly incorrect.

at least one other method of texting each other. Several texts available from Explorer 1's phone indicate she used Snap Chat to communicate. Explorer 1's Snap Chat messages were not available for review.

Explorer 1's text messages include a number of sexually suggestive communications. The recipient of these texts cannot be confirmed. The texts also indicate sexually suggestive pictures were sent to someone.[18] In addition, the RCFL examination discovered nude photographs of Explorer 1.

The investigative team attempted to determine whether these photographs were sent to another individual or were only stored on the phone. The RCFL report provided in the PSU investigative file does not show whether the nude photographs were sent. The LMPD returned the phone to Explorer 1 and no longer has possession. Later efforts by the LMPD to retrieve the phone were unsuccessful, as Explorer 1 has changed phones multiple times since 2013 and no longer has her 2013 phone.

On June 29, 2017, the investigative team interviewed Major Donald Burbrink. Major Burbrink was the commander of the Special Investigations Division in 2013.[19] In this capacity he supervised PIU and PSU.

Major Burbrink recalled the 2013 PSU investigation involving Betts. Major Burbrink stated that when Explorer 1's phone was examined, they discovered nude photographs of the 16 year old she had taken of herself. Major Burbrink was concerned these photographs had been sent to Betts or to anyone else, as they were child pornography. Major Burbrink was informed by the PSU investigators that these photographs were never sent to anyone.

Because the photos were never sent, Major Burbrink directed the nude pictures in the PSU case file be removed and shredded. Major Burbrink explained this decision:

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[18] For example, one text stated, "No that's it . . . if u cared u wouldn't care about my sexy pose. U would have said yes! Not idk." Another text stated, "Can I have another pic." Explorer 1 responded, "What about me? And yea wait tho imma get in shower." Other texts stated, "I'll send a pic in a min" and "Im in bed ... what if I send a sexy pic?" The response was, "Mmmm I could use a couple more of those." "You make me happy especially when you send hot pics."
[19] Major Burbrink retired in July 2017.

> So Mann came to me and Lieutenant Meagher and said hey, here's what we got, and I again asked the question, was there any indication he ever sent those pictures and stuff like that and he said no, and I said well, you know, it's bad enough this little girl's having all these issues with the thing the fact this happened to her, and a lot of people liked Betts, and she's probably getting all kinds of grief about this because she turned him in, I said, but I don't want this to be embarrassing to her parents and everything else, and so I said it's not pertinent to this case and if it doesn't appear that these are, then delete them. You know, don't give up the phone, the phone as it is, but take them out of the file and shred 'em . . . I don't want somebody a year from now, which unbeknownst to me, like this thing going on, there's a civil suit or something like that, and those pictures are shown somehow it gets out . . . to embarrass her even more at that point in time . . . And so I said no, let's go ahead and shred them, we'll give them the phone back, we don't need to tell the parents anything, it's the little girl's phone, I'm sure she realized what happened probably deleted them right afterwards, but that was my indication on that thing.

Major Burbrink recalled being informed of Betts' inappropriate texts to Explorer 1 on Monday, July 22. Flaherty sent him the text messages and asked what steps should be taken next. Major Burbrink immediately took it to his boss, Lt. Col. Vince Robison, and informed him of the situation. Both Major Burbrink and Lt. Col. Robison agreed the texts were inappropriate and directed Flaherty to immediately remove Betts from the Explorer program.

Major Burbrink and Lt. Col. Robison then went to Chief Conrad to inform him of the misconduct. Because there was no physical contact, and the matter involved only inappropriate messaging, Chief Conrad, Lt. Col. Robison and Major Burbrink decided there needed to be a professional standards investigation into the matter. Chief Conrad directed a PSU investigation be initiated. This investigation was formally opened on July 29, 2013.

Sgt. Mann concluded his investigation on September 5, 2013, when he submitted his Findings and Conclusions to Lt. Matthew Meagher, Commander of PSU. Sgt. Mann found that Betts had violated LMPD's Standard Operating Procedure 5.1.3., conduct unbecoming an officer, for his interactions with Explorer 1

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and Explorer 2. To our knowledge, Sgt. Mann undertook no additional investigative steps after September 5, 2013.

On September 13, Lt. Meagher concurred with Sgt. Mann's conclusions and submitted the findings to his supervisor, Major Burbrink. On September 17, 2013, Major Burbrink concurred with Sgt. Mann's conclusions and submitted the findings to Chief Conrad. Betts was advised in March 2014 that he would be terminated based upon the findings of the PSU investigation. Betts submitted his letter of resignation on March 24, 2014, with an effective date of May 1, 2014. [redacted] On April 4, 2014, Chief Conrad "closed by exception" the case against Betts due to his resignation.

The investigative team inquired into the delay from Major Burbrink's recommendation on September 17, 2013, and the final resolution on April 4, 2014. Action against Betts was delayed due to Betts' medical condition. There was a concern that Betts would lose his health insurance while he was recovering [redacted] Therefore, the decision was made to reassign Betts to an administrative role wherein his duties involved, among others, providing escorts for funerals of former police officers while he completed his medical treatment. Betts was to have no contact with the public in this role.[20] Once his treatment was complete, Chief Conrad intended to fire Betts.

The length of time between closing the investigation and Betts' resignation is not unusual for the LMPD under Chief Conrad. Officers who face substantial discipline, including termination, have the right to appeal to a merit board. The merit board can override the Chief's disciplinary decision.[21] If an officer resigns, however, the officer cannot seek reinstatement and forfeits all due process disciplinary rights. Chief Conrad chooses to delay sending disciplinary actions to the merit board to control the number of cases before the merit board at any one time. Rather than handle multiple cases at once and risk overwhelming the merit board, Chief Conrad prefers to control the flow of terminations and substantial disciplinary matters.

[20] Betts apparently ignored the directive not to have contact with children when he visited Norton Children's Hospital in 2013 as one of three LMPD officers who participated in a holiday gift giveaway. *See* http://www.courier-journal.com/story/news/crime/2017/04/07/cop-visited-childrens-hospital-amid-misconduct-probe/100130482/.

[21] *See* LMPD Police Merit Board, Rules and Regulations 14.1(5); *see also* KRS 67C.326.

Betts' case was treated similarly to other substantial discipline cases. Major Burbrink disagreed with Chief Conrad's decision to delay sending cases to the merit board, and believes that once the decision to fire an individual is made the person should be terminated and sent through the process. Notwithstanding this procedural disagreement, Major Burbrink denied Betts' case was unusual. "No, it was not . . . that's the way that this Chief works."

Major Burbrink was not aware of any misconduct in the Explorer program other than the July 20th incident involving Betts, nor had he ever heard of any complaints concerning Flaherty. However, Major Burbrink had heard of "an odd thing" involving Betts while he was an Explorer. The Explorers took a bus trip to Washington. Allegedly, Betts and former LMPD Explorer Advisor T.S. rode in the back seat of the bus with a blanket over them. In addition, it was alleged T.S. and Betts roomed together on the trip. Betts was a teenager at the time. No complaints or allegations of misconduct were ever reported by Betts or any other Explorer against T.S. Betts was an Explorer between 1999 and 2002. The investigative team was unable to confirm these rumors.

Betts' resignation involved one additional strange occurrence. When Betts resigned, he brought in all of his equipment, including his badge, to headquarters. The individual processing the return of equipment left to make a copy of the paperwork. When she returned, Betts was gone and his badge was missing. Major Burbrink was informed of the missing badge. Major Burbrink called Flaherty and directed him to inform Betts that if his badge wasn't returned within 24 hours he would be prosecuted. Within twelve hours Betts returned the badge, claiming it had fallen between the seats of his car, which is why he didn't turn it in earlier. Major Burbrink believed this was a lie, as Betts' badge was seen in his box of equipment when he came in. A PIU case number was opened for Betts' missing badge. However, no file regarding Betts' missing badge can be located.

Following his resignation from the LMPD, Betts returned to law enforcement two years later as a code enforcement officer in Rolling Hills, Kentucky. Betts worked five hours a week from approximately 2015 – 2017. There are no reported incidents of misconduct against Betts during this time period.

On November 15, 2017, Explorer 1 filed a civil lawsuit [redacted]

[redacted]

[redacted] Explorer 1's prior sworn statements to Sgt. Mann. Specifically, Explorer 1 denied any contact with Betts and denied ever being alone with him. She denied that she sent or received any sexually explicit photographs. She states the unwanted conduct began in June 2013, not 2011 or 2012. In 2013, she advised Sgt. Mann she had heard rumors of a second Explorer from Officer Wood. Sgt. Mann followed and confirmed this rumor. No additional Explorers were identified as potential victims of Betts.

[redacted] Rather, multiple sources confirm that Explorer 1 approached Officer Paris at the St. Agnes picnic, and he instructed Explorer 1 to text Betts to see how Betts would respond. [redacted]

The investigative team attempted to clarify these accusations by contacting Explorer 1's attorney to request an interview. Explorer 1, through her attorney, declined to be interviewed.

Betts resigned from the LMPD on May 1, 2014. There were no reported instances of misconduct within the Explorer program until July, 2016, when allegations were made against Officer Brandon Wood.

B. Brandon Wood

1. Allegations of Misconduct by Wood

On July 6, 2016, D.B. filed a terroristic threatening 3rd complaint against N.G., alleging N.G. had threatened to "smash his brains in." N.G. was the current boyfriend of Brandon Wood. D.B. was Wood's former boyfriend. According to the police report, the threatening call came from Wood's phone. Wood did not make the threat.

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On July 28, 2016, D.B. submitted an affidavit to PSU alleging that he and Wood had sex in a LMPD vehicle. PSU thereafter opened an investigation. On September 19, 2016, D.B. told PSU that Wood had sent a video of himself having sex with D.B. to an under-aged male. The under-age male was a member of the LMPD Explorer program ("Explorer 3.") Because this appeared to be a criminal violation, PSU referred the case to PIU. On September 20, 2016, Sgt. Scott Gootee was assigned as lead investigator.

On September 22, 2016, Sgt. Gootee interviewed D.B. D.B. stated that he received a text from Explorer 3. Explorer 3 found D.B.'s phone number on his boyfriend's phone and was texting because he thought D.B. and his boyfriend were having a sexual relationship. D.B. assured Explorer 3 he was not sexually involved with his boyfriend.

D.B. said Explorer 3 then began talking about Wood. Explorer 3 said Wood was a "dangerous person for me to be around. I know he would take advantage of me." Explorer 3 continued that he was "scared" of Wood. "Of what he would do." Explorer 3 stated he left the LMPD Explorer program in 2015 because of Wood.

Explorer 3 told D.B. he had received a video via text from Wood. The video depicted Wood and D.B. having sex. D.B. urged Explorer 3 to turn Wood into the

police. Explorer 3 refused, saying "It'll get covered up like another case of stuff like that a few years ago involving Explorers." Explorer 3 told D.B. he would not cooperate with authorities if they investigated Wood.

Sgt. Gootee obtained a copy of the video and text messages between D.B. and Explorer 3. D.B. confirmed the individuals having sex were himself and Wood.

Sgt. Gootee interviewed Explorer 3 on September 29, 2016. Explorer 3 started with the LMPD program in August 2013 and left in 2015. He returned at the request of Officer Matt Gelhausen in September 2016. Officer Gelhausen was an Explorer advisor.

Explorer 3 stated his relationship with Wood was professional and nothing inappropriate had occurred. Explorer 3 denied ever having a physical relationship with Wood, and denied Wood had ever sent a sex video.

Sgt. Gootee confronted Explorer 3 with the text messages provided by D.B. Explorer 3 stated he lied to D.B. about receiving the video. Explorer 3 stated his ex-boyfriend, J.S., had actually received the video from Wood. Explorer 3 said he had never seen the video. Explorer 3 stated he lied about being scared of Wood. Explorer 3 admitted Wood had once texted him and asked what his favorite sex position was.

On October 3, PIU interviewed B.S., who was Explorer 3's former boyfriend. B.S. initially denied knowing about the text conversation between D.B. and Explorer 3, but eventually admitted that Explorer 3 had told him about the sex video. Specifically, Wood sent the video to J.S., another former boyfriend of Explorer 3, while they were dating. Explorer 3 told B.S. he watched the sex video with J.S. the week before Explorer 3 spoke to PIU. B.S. stated that Wood and J.S. were very close friends.

On October 6, Explorer 3 was interviewed again by PIU. Explorer 3 again denied he ever received a video of Wood having sex with D.B. Explorer 3 had heard about the video from J.S., whom he had briefly dated. He again stated that in February 2016 Wood sent him a text asking about his favorite sex position.

Explorer 3 confided that he was afraid J.S. would expose Explorer 3 as gay. Explorer 3 stated J.S. had nude photographs of him. Explorer 3 was a minor at the time these pictures were taken, and he said J.S. did not have permission to take the

nude pictures. Explorer 3 said he had heard that J.S. had traded nude photos of Explorer 3 to Wood in exchange for police lights for J.S.'s car. Explorer 3 stated J.S. has other photos of nude minors.

PIU investigators interviewed Explorer 4 on October 4, 2016. Explorer 4 had been an Explorer from 2009 through 2012. Explorer 4 was born in 1994. Therefore he was 22 in 2016.[22] Explorer 4 stated he dated Wood from December 2013 through March 2014. Explorer 4 was 20 at the time and stated he was no longer an Explorer. Explorer 4 had been told by an LMPD officer in 2016 that Wood was under investigation and Explorer 4 should stay away from him.

Explorer 4 knew Betts had gotten in trouble for improper contact with underage Explorers. Explorer 4 stated Betts had made sexual advances towards him through Facebook and Snap Chat. Explorer 4 stated he knew Betts had contacted other Explorers, but he couldn't remember who. Explorer 4 did not allege any physical contact with Betts.

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The PIU investigators interviewed Explorer 5 on October 5, 11 and 24, 2016. Explorer 5 was a member of the Jeffersontown Police Department Explorer program and attended the Explorer Academy at Camp Crescendo, Bullitt County, in June 2010.[23] Explorer 5 met both Wood and Betts at this camp. Explorer 5 subsequently joined the LMPD Explorer Program in 2011.

Explorer 5 began having sexual relations with Wood in October 2011, while he was 17. After the sexual encounter, Wood took Explorer 5 home. According to Explorer 5, Wood allowed him to drive his patrol car. Contemporaneous messages sent via Facebook corroborate the October sexual encounter. Explorer 5 had additional sexual encounters with Wood in 2011, while he was 17. Explorer 5 recalls attending a party at Wood's house, after which he had sex with Wood and another individual. At least two other LMPD Explorers were at the party. Wood ended his sexual relationship with Explorer 5 in approximately December 2011. Explorer 5 stated this was because Wood believed Explorer 5 had disclosed their relationship to others.

[22] There is some confusion in the interview summary as to Explorer 4's age.
[23] The Explorer Camp was held at Camp Crescendo in Bullitt County until 2011. Thereafter the camp was held at Campbellsville University.

Explorer 5 also had a sexual relationship with Betts. This relationship was unrelated to Explorer 5's sexual relationship with Wood. Explorer 5 began texting Betts on April 24, 2011. The text messages became sexual on July 6, 2012, when Betts requested oral sex from Explorer 5. Betts told Explorer 5 he could not tell anyone of their sexual relationship.

Betts asked Explorer 5 if he had previously had sexual encounters with anyone else. Explorer 5 said he had previously had sex with Explorer 7.[24] This occurred via a Facebook conversation on July 6, 2012. At a national Explorer Conference in Colorado two weeks later, Betts climbed into bed with Explorer 7 and touched his penis. It therefore appears Betts used the information provided by Explorer 5 to target Explorer 7 for the unwanted sexual contact.

Explorer 5 states he went to Betts' house on July 6, 2012, and performed oral sex on Betts. Explorer 5 was 18 at the time. Explorer 5 next had sex with Betts while Betts was on duty. Explorer 5 and Betts met on a golf course, where Explorer 5 again performed oral sex. The final sexual encounter between Betts and Explorer 5 occurred at Betts' house, where Betts, Explorer 5 and Explorer 8 had a sexual encounter.

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On October 6, 2016, search warrants were executed on the homes of Wood and J.S. On October 13, 2016, search warrants were executed on Betts' home. Among the items seized were cell phones. The investigative team was not given access to the results of the searches.

On October 13, prior to the execution of the search warrant, Betts saw Sgt. Gootee's vehicle and became suspicious. Betts texted the license plate number to T.S., his former LMPD Explorer advisor, who was then the Assistant Chief of another police agency. T.S. ran Sgt. Gootee's license plate number and informed Betts.[25]

After the search warrants had been executed, attorney and Louisville Metro Councilman David Yates contacted Explorer 5. This occurred on October 13, 2016. The text conversation is attached as Exhibit 7. On March 8, 2017, Yates filed a civil

[24] In the text exchange, Explorer 5 did not disclose his prior sexual relationship with Wood.
[25] Additional information regarding T.S is not included in this report because T.S. is not an employee of the LMPD.

lawsuit on behalf of Explorer 5. Mr. Yates declined to be interviewed by the investigative team.

On January 5, 2017, PIU interviewed Explorer 6. Explorer 6 was identified through review of Wood's Facebook messages. Explorer 6 was an Explorer with the Owensboro Police Department. He met Wood at the Explorer Academy at Camp Crescendo. Explorer 6 stated he had no inappropriate contact with either Wood or Betts at the academy. However, after the academy Wood and Explorer 6 exchanged Facebook messages. Wood sent sexually suggestive messages and offered to travel to Indiana to meet him. Explorer 6 declined due to their age difference.

No sexual encounters occurred between Explorer 6 and Wood at this time. However, after graduating from high school Explorer 6 attended college in Louisville. While in college, Explorer 6 had a sexual relationship with Wood. Explorer 6 was over 18 at the time and not involved in the Explorer program.

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2. Additional Allegations Against Betts

The investigation into Wood revealed allegations that Betts' misconduct was far more serious and widespread than previously known. As part of the probe into Wood, the PIU interviewed Explorer 7 on October 3, 2016. Explorer 7 had been an LMPD Explorer from 2009 – 2014, when he turned 21. Explorer 7 stated the only problem he had as an Explorer was with Betts. According to Explorer 7, Betts sent sexually suggestive texts to him. In addition, while the Explorers were attending a national conference in Colorado, Betts climbed into bed with him and touched Explorer 7's penis. Explorer 7 told Betts to stop, and Betts complied. Explorer 7 stated he did not tell any Explorer advisors or supervisors of Betts' misconduct.

On October 16, 2016, PIU interviewed Explorer 8. Explorer 8 had been a LMPD Explorer from approximately 2010-2011. Explorer 8 says he was 17 when he left the Explorer program.[26] Explorer 8 stated that he and another Explorer ("Explorer 5") had gone to Betts' house to watch television. Explorer 8, Explorer 5 and Betts then went to Betts' bedroom and performed oral sex on each other. Explorer 8 was 17 at the time of this sexual encounter with Betts.

PIU thereafter interviewed C.S., a former Explorer. C.S. currently is a police officer in another department in Kentucky. C.S. was a LMPD Explorer from 2001 -

[26] There is confusion as to when Explorer 8 was an Explorer, and his age at the time.

2009. C.S. had heard rumors that Wood had previously had a sexual relationship with an Explorer, but did not know the Explorer's name. C.S. stated he came out as homosexual as a high school senior. Wood found out and informed C.S. that he was interested "in guys and girls." C.S. denied any sexual relationship with Wood and considered him a friend.

C.S. stated he did not get along with Betts. C.S. had heard a rumor that Betts had a sexual encounter with Explorer 9, and had heard Betts harassed Explorer 2. C.S. had one sexual encounter with Betts when he was in college. C.S. was not an Explorer at the time and was over 18. C.S. stated that Betts and Wood "despised each other."

On October 10, 2016, Detective Brad Schuhmann, in response to the investigation into Wood, contacted current Explorers. On October 24, 2016, Flaherty and Detective Joseff Keeling contacted the remaining Explorers. The stated purpose of the interviews was to identify any possible victims. Flaherty stated this was done to comply with the Learning for Life Youth Protection protocols. According to a memorandum Flaherty sent to Major Eddie Jones, Commander of the Special Investigations Division, the Explorers and their parents had already been notified by letter that Wood was no longer associated with the Explorer program. The Explorers were told to have no contact with Wood, and to immediately notify an advisor if Wood attempted to contact them. According to Flaherty, every Explorer denied having had any contact with Wood or any other advisor.

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Explorer 9 was interviewed on November 9, 2016. Explorer 9 joined the Explorer program in 2007. Explorer 9 stated Betts was the only advisor that had inappropriate contact with Explorers. According to Explorer 9, he asked Betts if he could ride-along with him on a shift. Betts said yes and told Explorer 9 to come to his house. When he arrived, Betts told Explorer 9 that if he wanted to do the ride-along he would "have to mess around" with Betts. Betts thereafter took Explorer 9 to his bedroom and briefly performed oral sex on Explorer 9. Explorer 9 then pushed Betts away and told him to stop. Betts responded, "nobody's gonna know." When Explorer 9 refused to have sex, Betts told him to leave his house and refused to take Explorer 9 on a ride-along. Explorer 9 was 17 at the time of this encounter.

Explorer 9 was asked whether he ever had a sexual relationship with Wood. He denied any sexual contact. However, a review of text messages between Wood

and Explorer 9 suggests a sexual relationship. Explorer 9's age at the time of this possible sexual relationship is not clear.

Explorer 9 also informed PIU he had heard a rumor Betts had sexual encounters with another Explorer ("Explorer 10.") Based upon this information, Explorer 10 was interviewed. Explorer 10 was a LMPD Explorer from approximately the age of 13 until he turned 21. According to Explorer 10 he accompanied Betts on a ride-along. During this ride-along, Betts took Explorer 10 to a secluded part of Iroquois Park and got out of his patrol car. He then pulled his penis out and asked Explorer 10 to perform oral sex. Explorer 10 declined and asked Betts to take him home. After trying to coax Explorer 10 into giving him oral sex, Betts took Explorer 10 home. Explorer 10 did not report the incident to anyone.

On November 18, 2016, Chief Conrad suspended the Explorer program in light of the allegations against Wood. Major Flaherty asked Chief Conrad to reconsider, requesting the program be allowed to continue to meet twice a month in the presence of a monitor from either the PSU or the Boy Scout's Lincoln Heritage Council. On November 29, 2016, Chief Conrad agreed to allow the Explorer program to continue under these conditions.

On December 8, 2016, PIU interviewed Explorer 11. PIU's review of Betts' Snap Chat data revealed sexually explicit messages. Explorer 11 participated in the Explorer program from the age of 14 to 17. Explorer 11's father was on the police force and knew Betts.

While he was in the program, Betts texted Explorer 11 pictures of his penis. Explorer 11 stated that for approximately two years Betts asked Explorer 11 to send Betts a picture of his penis. Explorer 11 stated he grew tired of the requests and sent the picture to Betts. Explorer 11 was under age when he sent and received the images. Explorer 11 did not report Betts' behavior to anyone because he was concerned what people would think of him.

In addition, the PIU investigators interviewed at least two additional Explorers who had engaged in sexually provocative Facebook messages with either Betts or Wood. Both Explorers denied any sexual relationship with Betts, Wood or any other Explorer advisor. A review of the limited digital communications provided to the investigative team indicates Betts and Wood utilized Facebook and Snap Chat to engage in sexually provocative conversations with at least three additional

Explorers, in addition to the Explorers identified above. These Explorers denied inappropriate sexual relationships. The investigative team was not given full access to Wood's or Betts' Facebook and Snap Chat messages and could not conduct a review to identify further inappropriate contact with Explorers.

a. [redacted]

[redacted]

[redacted]

[redacted]

b. LMPD Internal Investigation

The investigative team conducted, or attempted to conduct, interviews of Louisville metro government personnel, LMPD personnel, and former Explorers.

i. Former Explorers

The investigative team interviewed Explorers from the time Betts and Wood joined the Explorer program through the 2016 allegations. These interviews were coordinated with the FBI and the PIU to avoid any interference with the ongoing federal/local criminal investigation. At the request of the FBI and the PIU, all interviews were cleared with the criminal investigative team prior to contacting the witnesses. In addition, the FBI/PIU expressed concern to the investigative team about creating multiple witness statements from the same individual. Accordingly, the investigative team agreed to postpone further interviews until the criminal investigators had completed their work. Further, the investigative team agreed not to re-interview any individual who gave a statement to the Louisville police department PIU officers if the summaries were provided to the investigative team.

In February, the investigative team requested these interviews. Chief Conrad directed the PIU officers to disclose the pertinent interview summaries. However, federal authorities directed the PIU not to disclose any interview summaries, claiming the material was Federal Grand Jury material pursuant to Federal Rule of Criminal Procedure 6(e)(2)(B)(vii), 6(e)(3)(A)(ii), and 6(e)(3)(B). Discussions with the federal authorities to obtain these interview summaries proved unproductive.

While the investigative team does not believe interview summaries conducted by LMPD personnel constitutes federal grand jury material, the team respects the decision of the Department of Justice. The investigative team believes the interviews it conducted are sufficient to address the question of whether there was widespread knowledge of misconduct within the Explorer program. The results of these interviews are summarized below.

* J.B. was an Explorer from 1998-2005. He was shocked and surprised by the allegations of sexual activity. To his knowledge, no such behavior occurred while he was an Explorer. J.B. was close to Wood and Betts and never saw any sexually predatory behavior. J.B. described Flaherty as "one of the most upstanding guys" he had ever met. J.B. stated he did not recall any discussions of a sexual nature with his peers. J.B. said all Explorer trips were well chaperoned.

* J.W. was an Explorer from 1999-2005. J.W. did not observe any misconduct or hear any rumors about inappropriate sexual behavior. J.W. is shocked by the allegations.

* C.A. was an Explorer from 2002-2004. He believes the Explorer program is a great program that helps prepare youth for life. C.A. never saw anything that made him uncomfortable or that he would consider sexually inappropriate.

* C.G. was an Explorer from 2002-2005. C.G. described her experience as good, and said she never saw any evidence of sexual misconduct. C.G. never witnessed any inappropriate behavior by advisors.

* B.F. was an Explorer from 2003-2005. He is currently a probation officer. B.F. says the Explorers were held to a high standard of conduct by the advisors. B.F. observed nothing inappropriate, and heard no rumors of any sexual misconduct.

* S.M. was an Explorer from 2004-2005. She recalls the program was well organized and strictly run. S.M. did not witness or hear any rumors of any inappropriate behavior.

* K.H. was an Explorer from 2005-2011. K.H. said the advisors were strict on discipline. K.H. described himself as the type who would quickly report problems up the chain of command and he was never aware of anything that would "trigger me to inform an officer."

* Z.S. was an Explorer from 2006-2007. He never witnessed anything inappropriate from any advisors. Z.S. is shocked by the allegations and saw no signs of sexual misconduct.

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* B.M. was an Explorer from 2006-2008. He was very surprised when he heard about the allegations of misconduct because he never saw any red flags about inappropriate behavior. B.M. never heard any comments or rumors about sexual activity or harassment. B.M. stated "I'm one of those who would notify someone" if he had seen anything wrong.

* D.R. was an Explorer from 2007-2010. D.R. never witnessed inappropriate behavior or heard any rumors of impropriety. He was surprised about the allegations.

* E.L. was an Explorer from 2007-2010. She did not hear any rumors of misconduct or see any inappropriate behavior.

* E.L. was an Explorer in 2009 for approximately eight months. He was not aware of any sexually inappropriate behavior.

* D.T. was an Explorer from 2008-2010. D.T. recalls that the program was strictly run. He never witnessed any inappropriate behavior. D.T. stated the program had a "weird vibe", but was not aware of any misconduct.

* J.B. was an Explorer from 2008-2010. He was shocked at the allegations and did not witness any misconduct. J.B. did a ride-along with Betts on at least one occasion, and nothing improper occurred.

* L.S. was an Explorer from 2009-2012. L.S. is very surprised by the allegations because he never saw any signs of inappropriate behavior.

* C.J. was an Explorer from 2010-2013. He never saw any indication of sexual relationships between Explorers and advisors. He spent time with Wood and never saw any signs of sexually predatory behavior. C.J. heard no rumors of sexual misconduct.

* J.N. was an Explorer from 2010-2013. He never saw anything that made him feel uncomfortable. J.N. did a ride-along with Wood and nothing inappropriate happened. However, J.N. stated that Explorer 7 texted him some sexually suggestive material that J.N. took as flirting. J.N. informed Flaherty and Wood of the text. Flaherty and Wood pulled Explorer 7 aside and talked to him about the text. J.N. believes this occurred near the end of 2011. This is approximately the time Explorer 7 says his sexual relationship with Wood began.

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* A.S. was an Explorer from 2010-2013. She never saw anything inappropriate, nor did she ever feel uncomfortable. No other female cadets discussed any inappropriate behavior with her. Had she seen anything inappropriate, she would have reported it to the advisors. A.S. did have a "vague recollection" that Explorer 5 bragged he had "done stuff" with Betts. A.S. was not sure whether to believe Explorer 5, as he had a reputation for dishonesty. A.S. recalls asking an older Explorer what the age of consent was in Kentucky. The Explorer told her it was sixteen. A.S. recalls thinking that since Explorer 5 was 17, there was no issue. A.S. did not inform any of the advisors of this conversation.

* B.G. was an Explorer from 2011-2013. B.G. attended two Explorer camps. He is surprised by the allegations against Betts and Wood. B.G. did two ride-alongs with Betts and nothing inappropriate occurred. B.G. never heard any rumors about sexual activity between cadets and advisors. B.G. described the Explorer atmosphere as strict, orderly and serious.

* C.V. was an Explorer in 2012. He saw no evidence of sexual misconduct.

* A.B. was an Explorer from 2013-2015. A.B. was not aware of any inappropriate actions by advisors. He never heard any comments or warnings about any advisors acting inappropriately. A.B. did a ride-along with Wood and nothing inappropriate occurred. A.B. described Flaherty as "by the book."

* T.D. was an Explorer from 2015-2016. He never saw any signs of inappropriate sexual behavior or heard any comments of a sexual nature. T.D. is very shocked by the allegations.

* D.D. is the father of E.D., a former Explorer currently stationed in Colorado in the army. D.D. returned the investigator's call on behalf of his son. He stated E.D. was too angry to talk about the allegations because he values the Explorer program and hates what has happened to Flaherty. E.D. blamed these repercussions on "a council member's political agenda against the Chief."

* Alexis Stovall was an Explorer from 2009-2015. Her full name is revealed because Ms. Stovall gave an interview to the Courier Journal on March 28, 2017, wherein she stated Wood "seemed to cross a boundary" by inviting Explorers to his home. In addition, she stated Wood got drunk at a baseball game while

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attending the 2012 National Explorer conference. Wood "leaned" against one of the Explorers on the ride home.

Ms. Stovall confirmed that Wood was admonished for drinking when he returned to Louisville by Officer Gelhausen. Ms. Stovall learned of the parties at Wood's house through Facebook. She recalls being told that Explorers and Advisors should not socialize. Ms. Stovall does not recall hearing rumors of "inappropriate" or "creepy" behavior. Ms. Stovall did ride-alongs with Betts and Wood and stated nothing inappropriate happened. Finally, Ms. Stovall stated she attended two of the Explorer summer camps and did not witness anything improper.

* Jason Smiley was an Explorer from 2004-2008. Mr. Smiley's full name is revealed because he gave an interview to the Courier Journal on March 24, 2017, wherein he stated Betts, Wood and Flaherty "watched out for each other." According to Mr. Smiley, "[t]here was a buddy-buddy system between those individuals."

Mr. Smiley stated he never witnessed any signs of the behavior that has been alleged. He stated that Betts and Wood "seemed like they were on good terms." But he described two groups of Explorers – some that were friendly with Betts, and some that were friendly with Wood. When asked, Mr. Smiley could not comment why he told the Courier Journal there was a "buddy-buddy" system amongst Flaherty, Wood and Betts.

Each of the above Explorers was contacted by the investigative team. None had been interviewed by the FBI or PIU at the time. At no time during the internal review has any former Explorer reached out to the investigative team with any information concerning misconduct in the Explorers program.

ii. LMPD Personnel

The investigative team's efforts to interview LMPD personnel was largely unsuccessful. The PIU investigators expressed their displeasure with the internal investigation and declined to discuss their criminal investigation, which continues after the indictments of Betts and Wood.

The investigative team sought to interview current LMPD officials who had participated in the Explorer program. Chief Conrad directed the officers to meet with the investigative team during work hours. In response, Officers Brandon

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Paris, Matt Gelhausen and Joey Keeling filed a grievance against the investigative team, alleging a violation of the Fraternal Order of Police's Collective Bargaining Agreement, Article 17, Section 2(N). Rather than incur the expense of litigation, the investigative team dropped its request for interviews. No additional LMPD officers were interviewed due to the threatened litigation. At no time during the internal review has any LMPD officer reached out to the investigative team with any information concerning impropriety in the Explorer program.

Former LMPD officers were receptive to interview requests. Jackie Smith met with the investigative team to discuss the 2013 PSU investigation. Smith recalled going to Explorer 1's house and speaking with her. She recalls that afterwards she, Sgt. Polin and Officer Schmidt agreed they did not believe the texting constituted a crime. Smith stated she regretted not writing up the interview of Explorer 1 conducted on the night of July 20, 2013. Smith was asked why the PIU investigators did not open a PIU file for their interview of Explorer 1. Smith explained that for most of the time she was in PIU the lieutenants she worked for did not want to have written reports of unsubstantiated allegations. This was because the unsubstantiated allegations would be subject to open records requests. Other than the July 20, 2013 event, Smith had never heard of any allegations of impropriety within the Explorer program.

David Toebbe, a retired LMPD lieutenant, was interviewed. Toebbe led the Louisville Police Department Explorer program prior to the merger with Jefferson County. When the city and county merged, Toebbe worked with Flaherty on the Explorer program, with Flaherty assuming overall leadership responsibilities. Toebbe retired from the police force in 2007, then returned in 2008-2010 to work as a civilian supervisor in the property room.

Toebbe was complimentary of Flaherty, stating he took the Explorer program "to another level" by winning statewide, regional and national awards. Toebbe stated there was never any sign of inappropriate behavior within the Explorer program. All advisors were required to undergo the Boy Scouts of America Learning for Life training program. Toebbe opined that a number of successful LMPD officers had participated in the Explorer program.

Julie Schmidt was asked about her memory of the 2013 PSU investigation. Schmidt recalled the event and said her prior statements were accurate. Schmidt stated that as soon as she heard of the misconduct from Officer Paris she immediately called Flaherty, who commenced the investigation. Schmidt said that

she had heard of Explorers attending parties at Wood's house but was unaware of any underage drinking. Other than the 2013 PSU investigation, Schmidt never heard any rumors or allegations of inappropriate behavior in the Explorer program.

Doug Sweeney currently serves as Chief of the Audubon Park police department. Previously he was a lieutenant in the LMPD, retiring in July 2013. Sweeney hired Betts as a reserve officer for the Audubon Park department. Sweeney was aware of the 2013 internal investigation and discussed it with Betts. Betts told him he had sent some texts to a 17 or 18 year old about "getting together." Sweeney checked with a LMPD PSU investigator, who confirmed there had been an investigation, that Betts had indeed been in Florida when the texts occurred, [27]and that the case was not addressed for several months by Chief Conrad. Sweeney says he took the delay as an indication the complaint was innocuous. Sweeney also checked with E-bay, where Betts was currently working. E-bay gave Betts a good recommendation.

Sweeney immediately began hearing complaints from his staff after Betts started. Rumors were circulating around the LMPD about Betts' misconduct, and Sweeney obtained more information concerning the circumstances of Betts' resignation. He then confronted Betts about lying about the girl's age. Sweeney asked Betts to resign but Betts refused, stating an attorney friend had advised him not to quit. Sweeney informed Betts that because he was a probationary employee he would be fired if he did not quit. Betts resigned, stating in his letter that he had received a promotion at E-bay and no longer had time to be a reserve officer.

Sweeney described himself as a "big fan" of Flaherty. Sweeney had never heard any allegations of impropriety within the Explorer program.

Former LMPD police chief Robert White was interviewed. Chief White served from 2003 – 2011. He is currently the Chief of Police in Denver. During his tenure in Louisville, Chief White heard no rumors or complaints concerning any sort of misconduct in the Explorer program.

Yvette Gentry retired as Deputy Police Chief in 2014. In 2015, she returned to work for the City of Louisville, and is currently Chief of Community Building. Gentry had previously supervised Betts when she was a patrol commander. She

[27] The official 2013 PSU report does not contain any evidence confirming Betts was in Florida on July 20, 2013.

heard allegations of Betts hitting on another officer's wife at a Christmas party, but was unaware of any other allegations of impropriety. Gentry was unaware of any allegations of misconduct within the Explorer program. Indeed, Gentry thinks the Explorer program serves a valuable function, and she would have put her own son in the program if he had not been so heavily involved in athletics. Gentry stated that "there are a lot of police officers' kids that were Explorers, you know." She described the program leaders as "stand-up guys." She had previously supervised Major Flaherty and had no concerns about his performance. Gentry was surprised about allegations of a cover-up. "And it kind of floors me really the allegation that Chief Conrad would cover something up because I mean I might not agree with a lot of the decisions he makes, he is not an unethical guy."

Ozzie Gibson was interviewed by the team on April 28, 2017 and provided additional insight into Betts' resignation. Gibson, at the time of the interview, was the Director of the Louisville-Jefferson County Department of Animal Services. He retired as Deputy Chief of the Louisville Metro Police Department in 2016, after serving as a sworn officer for 27 years. He was promoted to the rank of Major in 2007 and became Assistant Chief for Administrative Services in 2011. He was serving in that capacity during the pendency of the Betts' PSU investigation.

Gibson reviewed the Betts PSU investigation in his capacity as Assistant Chief for Administration. He recommended that Betts be terminated and transmitted that recommendation to Deputy Chief Vince Robison. He felt strongly that Betts should be terminated because of the nature of the allegations, i.e., misconduct with minors. During the decision making process, he participated in a meeting with Chief Conrad, legal advisor Dennis Simms, Deputy Chief Vince Robison and others. Gibson asked if there was a basis for a criminal charge against Betts and was told there was not. The group discussed whether Betts should be terminated or allowed to resign and there was a difference of opinion. Gibson explained that the factors in favor of allowing Betts to resign were: (1) Betts reportedly had a medical condition [redacted] and hoped to continue his employment until the current phase of his medical treatment was concluded; and (2) involuntary termination of employment triggers the employee's right to appeal the decision to the Merit Board. The Merit Board would then have the authority to reduce the severity of the punishment, or reverse it all together. In contrast, resignation ended the matter and operated to waive an employee's right to appeal to the Merit Board.

Gibson believed that the nature of the allegations dictated that LMPD should terminate Betts' employment, regardless of any possible action by the Merit Board.

He believed that the record should be clear as to the nature of Betts' misconduct and the decision to fire him as a consequence. Ultimately, Chief Conrad made the decision to allow Betts to resign.

The fact that Betts resigned before final action was taken on the misconduct charges against him resulted in the case being "closed by exception." Gibson indicated, however, that all investigative steps were complete long before the decision was made to allow Betts to resign. The resignation did not cut short the PSU investigation of Betts because that investigation had been completed by Sgt. Mann months before.

C.S. was interviewed about his involvement as a former Explorer. C.S. is currently a police officer at another department in Kentucky. C.S. acknowledged he had a previous sexual encounter with Betts, and said he deeply regrets it. C.S. stated that Wood and Betts despised each other. This stems to when Wood was in the police academy and he attended a scouting event and shot the scouts with paintballs. Betts tried to get Wood expelled from the police academy as a result.

C.S stated that, in his opinion, LMPD officials did not ignore or cover-up misconduct. Instead, C.S. stated there is a small group of homosexual Explorers and homosexual police officers that are not much different in age. C.S. does not believe anyone in the LMPD knew of the activity and failed to appropriately respond.

Rick Polin was interviewed. Polin is currently a Louisville Special Police Officer working on the Mayor's detail. Polin, along with Smith and Schmidt, interviewed Explorer 1 on the evening of July 20. Polin did not remember many details of the night. He recalled thinking Betts conduct was not criminal, but was inappropriate and needed to be further investigated. Polin was not involved in the Explorer program and had never heard rumors of misconduct. Polin denied participating in any cover-up. "And you know, as it related to the . . . I guess, the cover-up, the alleged cover-up, and the limited role that I played, we didn't close it down to put fewer eyes on it, we opened it up to put more eyes on it. Right? So by sending it over to PSU, you're inviting more people to be involved in this investigation rather than cover it up or minimize . . . this allegation."

Henry Ott, a retired arson investigator with the Louisville Fire Department, was interviewed. Ott had contact with Betts through service on the University of Louisville School of Justice Administrative Alumni Board. Ott also knew Betts

from when Betts was working on health and safety issues with the LMPD and interacted with the Fire Department.

Ott described Betts as a "different guy" who was "overly energetic" about law enforcement. Ott believed there was some animosity towards Betts by a number of LMPD officers.

On March 24, 2017, Ott was interviewed by the Courier Journal, wherein he stated he "heard about Kenny's problems a long time ago." Ott explained to the investigative team that "a long time ago" meant 2013, following Betts' resignation. Ott explained that in 2013, the arson unit was housed in the same building as PSU and was moving out to a new office. Because they were housed in the same building, Ott saw the PSU investigators regularly. Ott recalled one of the PSU investigators commenting that Betts was in some sort of trouble but did not add further detail. This is what Ott meant when he said he had "heard about Kenny's problems a long time ago." Ott had no further information regarding impropriety in the Explorer program.

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Curtis Flaherty was interviewed. Flaherty explained he became involved in the Explorer program in approximately 1994. At that time, his wife's youngest brother was in high school and participating in the Jefferson County Explorer program. He told Flaherty that the Explorer program only had one advisor and really needed some help. Flaherty was resistant to the idea at first, but ultimately agreed to help out. Flaherty remained involved in the Explorer program until his retirement in May 2017.

The Explorer program is affiliated with the Boy Scouts of America. All adult volunteers are required to complete a Youth Protection Training program. This training must be done every two years. The LMPD program, however, had annual training for all advisors wherein youth protection and the importance of maintaining appropriate social interaction with the youth was discussed. An Explorer program is not allowed to re-charter unless all advisors have completed the training.

The only allegations of impropriety within the Explorer program Flaherty is aware of are the 2013 misconduct by Betts and the 2016 misconduct by Wood.

[redacted]

Flaherty was asked about Explorer 2. Flaherty stated Explorer 2 was from an Explorer post in [redacted] Kentucky. Flaherty stated that Wood told him Explorer 2 and Betts were having a dispute over a pair of sunglasses. Flaherty did not understand why this was an issue, but nonetheless called Explorer 2 on at least two occasions and left a voicemail.

As with [redacted], Flaherty had no indication of Wood's misconduct. Wood had joined the Explorer program in 2000, shortly after [redacted]. Flaherty heard no rumors and saw no indication of misbehavior from Wood.

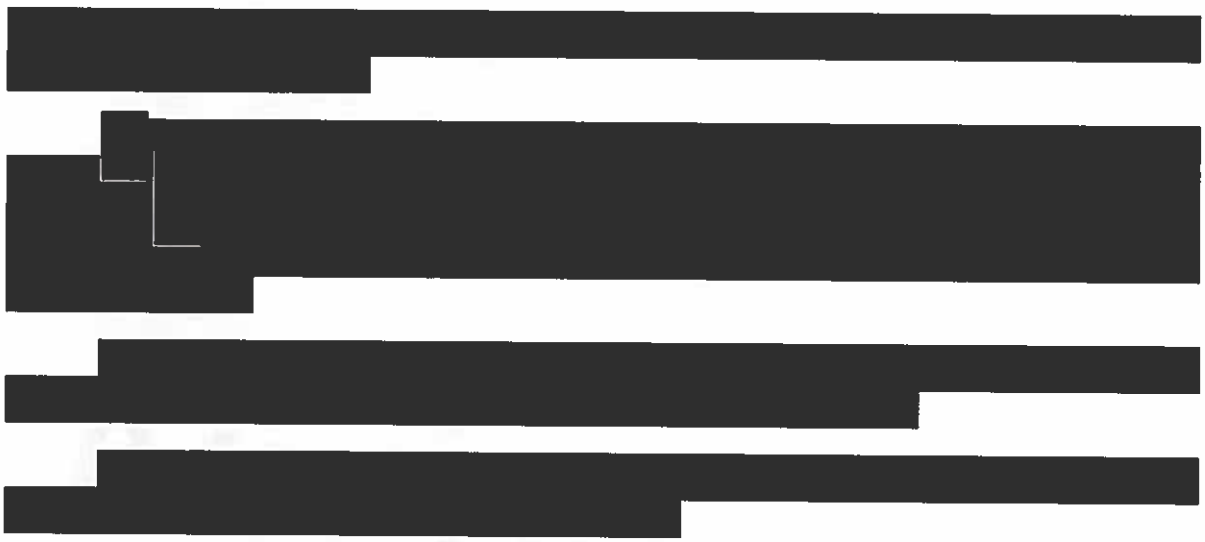
On October 10 and 24, 2016, Flaherty and Schuhmann contacted all current Explorers to ask if they had any improper contact with Wood. According to

Flaherty, this was required by the Boy Scouts' youth protection program. Upon learning of this, Major Jones instructed Flaherty to have no further contact with the Explorers about the subject matter of the PIU investigation.

Flaherty denied any knowledge of misconduct by Betts, Wood or any other Explorer advisor. Flaherty denied there was any attempt at a cover-up, by him or anyone else within the LMPD program.

[redacted]

[redacted]



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iv. Senior LMPD/Metro Government Officials

Chief Conrad was notified of the 2013 incident involving Explorer 1 on Monday, July 22, 2013. He initiated the PSU investigation on Monday, July 29th. The investigation was complete on September 5, 2013. Chief Conrad did not personally direct or limit the investigation.

Upon the conclusion of the PSU investigation, Chief Conrad decided to fire Betts. He did not, however, take immediate action. He provides several reasons for the delay. First, Betts was undergoing [redacted], and Chief Conrad decided to wait [redacted] to terminate Betts. Second, there were a number of contentious matters pending before the Merit Review board. The Chief decided that it was in the Department's best interest to stagger these employment appeals rather than inundate the board with several cases at the same time. Finally, Chief Conrad felt it was in the LMPD's interest for Betts to resign, which would conclusively terminate his position as a police officer, rather than risk the Merit Review board overturning the Chief's decision and re-instating Betts. Chief Conrad closed Betts' case "by exception" on April 4, 2014, due to Betts' resignation.

Chief Conrad recalls telling Deputy Mayor Hesen about the Betts matter sometime in 2013. He mentioned it to Deputy Mayor Hesen "in passing," and did not go into any detail. Chief Conrad did not speak with Mayor Fischer about Betts' misconduct in 2013.

Chief Conrad learned of Wood's misconduct in the late summer of 2016, and a PSU investigation was opened on July 28, 2016. A PIU investigation was opened on September 19, 2016. Chief Conrad is not personally directing the ongoing PIU/FBI investigation. He has not imposed any deadlines for its completion.

A briefing was conducted in November 2016 by PIU for senior LMPD officers, the County Attorney's Office, Mayor Fischer, and his senior staff. Chief Conrad attended this briefing.

Deputy Police Chief Michael Sullivan was interviewed. Deputy Chief Sullivan had not heard of any misconduct within the Explorer program prior to the PSU investigation into Betts.

Kim Kreszig was interviewed. Kreszig retired from LMPD on July 31, 2017. At the time of her retirement, she was an Assistant Chief in charge of patrol. She never had any direct connection with the LMPD Explorer program and never heard of any misconduct within that program.

Deputy Mayor Hesen was interviewed multiple times. She does not recall being informed of Betts' misconduct in 2013, but acknowledges she could have been informed at that time. She did not inform the Mayor of Betts' misconduct in 2013.

Mayor Fischer was interviewed twice. Mayor Fischer learned of the Betts and Wood misconduct in October 2016. He requested and received a briefing from PIU in November 2016. In March, the Mayor directed an internal review be conducted into the Explorer program. On March 17, Mayor Fischer requested the FBI investigate the allegations of sexual misconduct within the program.

Neither Mayor Fischer nor Deputy Mayor Hesen have directed the ongoing FBI/PIU investigations.

IV. ASSESSMENT

The investigative team has been asked to review the LMPD's policies and procedures as they relate to the allegations of sexual misconduct within the Explorer program. It is not the mission of the team to assess the guilt or innocence of the LMPD officers accused of misconduct. Nor is it the intention of the team to

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assign blame to the investigating officers for the alleged misconduct or omissions of the Explorer advisors and leadership. Rather, the investigative team's purpose is to identify when senior command became aware of the alleged misconduct and document LMPD's response to the allegations. In addition, the investigative team offers an assessment of the Explorer program and subsequent PIU/PSU investigations for the purpose of avoiding similar issues in the future.

A. The 2013 Investigation

Sgt. Mann conducted a diligent and timely investigation into the allegations arising from Betts' July 20 texts with Explorer 1. Sgt. Mann personally interviewed the complainant, all involved parties, and Betts. He obtained hundreds of text messages and reconstructed, as best as possible, the electronic relationship between Explorer 1 and Betts.

Sgt. Mann also uncovered allegations of a second inappropriate relationship, and confirmed the improper conduct. As a result of Sgt. Mann's investigation, Betts was forced out of the LMPD.

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Notwithstanding Sgt. Mann's effort, there were deficiencies with the LMPD, PIU, and PSU's handling of the 2013 incident. Each will be addressed in turn.

1. PIU. The PIU quickly responded to the allegations against Betts, interviewing Explorer 1 the evening of the incident. The PIU's quick response is commendable. In some respects, however, better choices could have been made.

First, the PIU should have interviewed Explorer 1 separate from her parents. While it is appropriate that Explorer 1's parents were involved, the subject matter of the interview concerned allegations of unwanted sexual advances. Explorer 1 should have been questioned privately about the full nature of her contacts with Betts.

Second, the interview should have been recorded. Recording the complainant's statement is standard operating procedure in a potential criminal investigation. [redacted]

Third, a PIU case should have been opened and a file number assigned. Again, this was standard procedure. While the failure to follow standard procedure and obtain a case number does not alter the substance of the investigation, it creates a specter of irregularity.

Fourth, the PIU's conclusion that there was no criminal case was premature. The PIU should have further investigated the full scope of Betts' conduct prior to concluding no criminal violation occurred. While it is true Explorer 1 denied any physical conduct with Betts, this should have been thoroughly vetted prior to turning the case over to PSU. At a minimum, PIU should have forensically imaged Explorer 1's phone to obtain all text communications with Betts.

Had this happened, PIU would have discovered Explorer 1's nude self-photographs and sexually explicit text conversations. The identity of the individual she was exchanging sexually explicit texts with should have been conclusively established. In addition, Explorer 1 should have been asked whether she had ever texted any of her nude photographs, and if so, to whom. Because of her age, texting nude photographs of herself was distribution of child pornography, and the recipient possessed child pornography. These are potential criminal violations the PIU should have investigated.

Finally, Flaherty should have immediately recused himself from the investigation and had no involvement. His role as the lead Explorer advisor, and his longstanding professional relationship with Betts, required he have no involvement in the matter. In particular, Flaherty should have had no contact with Explorer 1 and her family. Had Flaherty recused himself at the outset, there could be no credible allegation he attempted to cover-up the incident.

2. **PSU.** As noted above, the record is clear that Sgt. Mann diligently investigated this allegation. Any after-action review of Sgt. Mann must also be viewed through the following lens: Mann had been informed there was no criminal case by PIU, and the complainant had informed him she had never had any physical contact with Betts, and had never been alone with him. Nonetheless, additional steps could have been taken.

First, just like PIU, PSU should have interviewed Explorer 1 privately. This is particularly true after PSU obtained Explorer 1's sexually explicit text messages and nude self-photographs. The recipient of these texts should have been conclusively identified. In addition, PSU should have immediately notified PIU, or

another appropriate criminal investigative unit, about the potential distribution of child pornography.

Second, the nude photographs of Explorer 1 should not have been destroyed. Explorer 1's phone should have been imaged and kept in the PSU files. While it is understandable the LMPD officers were concerned about having child pornography in their PSU file, the police are well equipped to appropriately store these images to insure they are not disseminated. The phone, or an imaged copy of the phone, should have been placed in evidence storage.

Third, PSU should have informed Explorer 1's parents she was taking nude photographs of herself. This is criminal production of child pornography. More importantly, Explorer 1's parents should have been informed their minor child was engaging in this behavior, regardless of whether the images had been shared with Betts or anyone else. PSU should also have provided Explorer 1's sexually explicit texts to her parents so they could take appropriate action with their daughter.

Fourth, once it was determined that Betts offered Explorer 2 money in exchange for sex, PIU and the County Attorney's office should have been consulted to determine whether any criminal charges could be brought against Betts for soliciting prostitution or official misconduct.

Fifth, once Explorer 2 was identified, a pattern could be seen that Betts viewed Explorers as potential sexual partners. At this time, every Explorer in the LMPD program, and every Explorer that had previously had contact with Betts, should have been interviewed to determine whether Betts had engaged in any improper behavior.

Sixth, PSU should have sought consent to search Betts' phone. During the interview with PSU, Betts lied at least twice about his phone: he lied when he said he had deleted Explorer 1's contact information, and he lied when he said he did not have the Snap Chat app. At the time, Betts voluntarily handed his phone over to the PSU investigators. They should have reviewed his photographs and his text history at that time, and sought consent to forensically examine Betts' phone. If he denied consent, the phone should have been secured while the Commonwealth Attorney's office was consulted about whether to seek a search warrant for Betts' phone.

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[redacted]

B. The 2016 Investigation

The 2016 investigation is ongoing. Throughout the process, the FBI and PIU have declined to share information with the investigative team. Until the full scope of the 2016 FBI/PIU investigation is known, no assessment is possible.

C. False Rumors

Numerous rumors surround the LMPD Explorer program. These rumors, often having no basis in fact, made the internal review more difficult as the investigative team repeatedly pursued false allegations. Because these rumors are so pervasive and go to the heart of allegations of a cover-up, the most common misperceptions are addressed below.

1. **Betts and Wood Acted Together.** There is no evidence that Betts and Wood acted together in furtherance of their alleged sexual misconduct. To the contrary, the facts indicate that Betts and Wood do not like each other. First, Betts attempted to have Wood removed from the police academy because Wood shot Explorers with paintball pellets. Second, Wood warned Explorer 1 to stay clear of Betts and encouraged her to report Betts to Flaherty. When interviewed by PSU, Wood disclosed Betts' misconduct with Explorer 2, and Wood actively sought to have Flaherty investigate Betts' misconduct. Third, while there are numerous allegations of impropriety against Wood and Betts individually, there are no allegations from any Explorer that Wood and Betts acted in concert to sexually abuse anyone. While Betts and Wood are both alleged to be sexual predators, there is no credible evidence they acted together.

2. **The Metro Government Has Privately Settled Lawsuits.** The investigative team received hearsay information that the Metro Government has already confidentially paid out millions of dollars to settle claims of sexual

misconduct within the Explorer program. This statement is false. The investigative team has confirmed that no public funds have been paid to settle any claims related to the Explorer program.

3. **Chief Conrad Prematurely Ended the 2013 PSU Investigation.** This did not occur. The investigation concluded on September 5, 2013. At this point, the investigation was fully complete. Chief Conrad closed the matter by exception on April 4, 2014, due to Betts' resignation. Chief Conrad did nothing to prematurely end or limit the 2013 PSU investigation.

4. **The Mayor's Office Interfered with the 2016 Investigation.** Councilman David James contacted the team in February/March 2018 to ask that we pay particular attention to certain issues regarding the Mayor's office. Based on information he had received, Councilman James asked the team to clarify the level of involvement of the Mayor's office with the LMPD Explorers investigation. He indicated that this was a matter of interest to the Council.

In response to Councilman James' request, the team conducted follow-up interviews with Chief Conrad focusing on his interactions with Mayor Fischer and Deputy Mayor Hesen concerning the Explorer matter. Chief Conrad believes that he told Deputy Mayor Hesen about the 2013 PSU Betts investigation in late 2013 or early 2014 during one of their regular meetings. He did not have a special meeting to discuss the Betts matter with her and it would have been one of several topics discussed at a regular meeting. Chief Conrad indicated that he did not tell Deputy Mayor Hesen the details of the investigation, but only that there was a PSU matter involving an inappropriate text message exchange with a teenager. This occurred after his subordinates, Robison and Burbrink, reported to the Chief that there appeared to be no criminal conduct on Officer Betts' part and that the investigation was limited to a professional standards matter. Chief Conrad described giving this information to Deputy Mayor Hesen "in passing." He does not recall discussing the conclusion of the Betts matter with Deputy Mayor Hesen at that time. He had no discussion of this matter with Mayor Fischer.

Chief Conrad had more extensive contacts with the Mayor's office after the LMPD/Explorers issues resurfaced in 2016 as a result of information concerning Wood. The criminal investigation began in September 2016. Chief Conrad recalls receiving a briefing from PIU detectives concerning the matter in November 2016. He does not recall whether he briefed Deputy Mayor Hesen at this point in time. Chief Conrad visited with PIU officers on March 6, 2017. The officers shared a

PowerPoint presentation concerning the Explorer investigation. Chief Conrad later shared that PowerPoint with Mayor Fischer and Deputy Mayor Hesen. He does not recall briefing Mayor Fischer or Deputy Mayor Hesen in 2016, but discussed this information with them in March 2017. There were no regularly scheduled meetings between Chief Conrad or anyone in the Mayor's office to provide updates concerning the Betts/Wood investigation.

Chief Conrad recalls a conference call in March 2017 involving Sgt. Mann, the PSU investigator who conducted the 2013 Betts inquiry. Deputy Mayor Hesen attended this briefing by Sgt. Mann. Mayor Fischer did not attend. Attorney Kerry Harvey attended by telephone, along with representatives of the County Attorney's Office. The primary purpose of the meeting was to assemble information needed to evaluate the civil litigation which had been filed against the Louisville Metro Government.

After the first civil suit was filed, Chief Conrad and Deputy Mayor Hesen conversed more frequently concerning the Explorer matter. Typically, the conversation centered on the filing of additional claims in the civil litigation. Chief Conrad and Mayor Fischer began having regular weekly meetings in 2017, primarily to discuss the spike in violent crime that occurred in 2016. Mayor Fischer wanted regular updates concerning the efforts to combat violent crime. Chief Conrad does not recall discussing the Betts/Wood matter with Mayor Fischer during these meetings.

The team also re-interviewed Mayor Fischer and Deputy Mayor Hesen. Mayor Fischer's recollection is that he learned of the Explorer issues around October 2016, at about the time those matters were reported in the media. He believes that he asked for a briefing on the matter in November 2016, which was arranged by Chief Conrad. The briefing covered the general nature of the allegations against the officers.

Deputy Mayor Hesen does not recall being informed of the 2013 PSU investigation of Officer Betts. She does not dispute Chief Conrad's statement that he mentioned the investigation to her, but simply asserts that she has no recollection of that conversation. She does not believe that she had any discussion concerning the 2013 PSU investigation with Mayor Fischer. Mayor Fischer confirms that he was unaware of that investigation.

Deputy Mayor Hesen believes that the first briefing that Mayor Fischer received concerning the Betts/Wood matter was in November 2016. She believes there was a general discussion of the allegations, but neither she nor the Mayor made any effort to direct the scope or pace of the investigation. Deputy Mayor Hesen asked then-General Counsel Kellie Watson to arrange a briefing with representatives of the County Attorney's Office to be delivered by Sgt. Mann. There may have also been a briefing between the PIU investigators and representatives of the County Attorney's Office so that those attorneys would have an understanding of the extent of the allegations against Betts and Wood in order to assist their representation of the Metro Government. Since November 2016, Deputy Mayor Hesen has had numerous conversations with Chief Conrad concerning the LMPD/Explorers matter but there have been no regularly scheduled meetings with the Chief concerning the investigation.

On the morning of March 20, 2018, Kerry Harvey was contacted by Louisville Metro Councilman David James. Councilman James repeated the earlier inquiry concerning alleged briefings between PIU officers and members of the Mayor's staff, specifically Deputy Mayor Ellen Hesen. Councilman James was advised that the team had re-interviewed Chief Conrad, Deputy Mayor Hesen, and Mayor Fischer on these points and generally described the findings. Councilman James stated that he has been told that Deputy Mayor Hesen had demanded weekly briefings from PIU detectives and that no fewer than 10 such briefings occurred. Councilman James had been told the briefings were held in Chief Conrad's office without the knowledge of now retired LMPD Major Eddie Jones, Commander of the Special Investigations Division at that time. The Special Investigations Division consists of the Professional Standards Unit and the Public Integrity Unit. According to information provided to Councilman James, Major Jones learned of the briefings and was angry. He allegedly caused the LMPD/PIU investigators and their files to be moved to FBI headquarters as a result of his displeasure with the briefings.

In response to this additional information, the team re-interviewed Chief Conrad on March 20, 2018. Chief Conrad categorically denies that there were weekly or regular briefings between PIU detectives and Deputy Mayor Hesen. He states that Deputy Mayor Hesen never asked for weekly briefings, nor were such briefings suggested by the Chief. He recalled one meeting on March 10, 2017 that was attended by Deputy Mayor Hesen and the PIU detectives, along with County Attorney O'Connell and other members of his staff. This meeting was held at Deputy Mayor Hesen's request in order to ensure that the County Attorney's Office had the necessary information to properly represent the Metro Government in civil

suits filed as a result of the Explorer matter. The PIU detectives gave an overview of the case. Chief Conrad indicated there was nothing inappropriate about the meeting and confirmed that no one present made any attempt to instruct the PIU detectives concerning the scope, direction or pace of their investigation.

Chief Conrad indicates that there have been no briefings with Mayor Fischer other than as previously documented. Chief Conrad indicated that the information concerning the Explorer investigation flowed through the chain of command, from the PIU detectives, to the Lieutenant in charge of that unit, to the Commander of Special Investigations, to Deputy Chief Sullivan, to the Chief. Chief Conrad has never received any indication that Major Jones (former Commander of Special Investigations) was upset with anyone in his chain of command concerning the Explorer investigation.

Chief Conrad recalled hearing that before retiring, Major Burbrink had apparently made statements that upset the PIU staff. Chief Conrad was told that Major Burbrink made a statement concerning the staff being reassigned after the Explorer investigation was complete and that the detectives may have talked to an attorney regarding this matter. Chief Conrad denies that there was any plan or design to punish, restrict, or impede the PIU detectives concerning the Explorer investigation. Upon hearing of these alleged comments by Major Burbrink, he instructed Deputy Chief Sullivan to assure the PIU staff of that fact and to make sure that they understood that they were to do a thorough, professional investigation of the matter. Chief Conrad denies knowing the source of the apparent misinformation concerning weekly briefings with Deputy Mayor Hesen.

The team interviewed retired LMPD Major Eddie Jones on March 20, 2018 in order to gather information necessary to answer the specific topics of inquiry posed by Councilman James. Major Jones has retired from the LMPD and now works for the University of Louisville police force. Major Jones served as Commander of the Special Investigations Division, comprised of the Public Integrity Unit and the Professional Standards Unit, for about a year and a half until he retired on July 31, 2017. He retired because of the possibility of adverse changes to the retirement system. Major Jones has also served as Commander of the Narcotics Division and as Commander of the Fifth Division. Major Jones has known Flaherty for many years and always thought he was person of integrity and professionalism. He never had any direct supervisory contact with the Explorer program, nor had he heard any rumors of misconduct within that program until media reports in the fall of 2016.

Major Jones categorically denied that the Chief and/or Deputy Mayor Hesen received weekly briefings from the PIU detectives concerning the Explorer investigation. He also denied any personal distrust of Chief Conrad concerning this investigation. He denied any knowledge of Chief Conrad, Deputy Mayor Hesen, or Mayor Fischer having ever made any attempt to direct the scope or pace of the Explorer investigation. He is aware of no misconduct by any of his former superiors in the LMPD or the Mayor's office concerning the Explorer matter. Major Jones stated that none of the PIU detectives ever complained to him about any such misconduct.

Major Jones indicated that the PIU detectives were frustrated that other investigations, such as this one and the growing number of civil suits, were continuing in parallel to the PIU investigation and that he disagreed with the Chief's decision to allow the investigative team access to the LMPD files. He saw nothing wrong with that decision, however, and respected that it was Chief Conrad's call. He also suggested that the PIU detectives were increasingly frustrated with the media attention devoted to the Explorer matter and the amount of time taken to respond to Open Records Act requests from various sources. In short, Major Jones stated that the information concerning weekly briefings between PIU detectives and anyone from the Mayor's office is false.

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Major Jones recalled two occasions when he had asked for meetings with Deputy Chief Sullivan and Chief Conrad to update them on developments in the Explorer investigation. He recalls one meeting with PIU detectives, Commonwealth Attorney Tom Wine, County Attorney Mike O'Connell, Deputy Chief Sullivan, Deputy Mayor Ellen Hesen, and others. The PIU detectives briefed the group on the status of the investigation. No one attempted to direct the scope or pace of the investigation and there was nothing inappropriate about the briefing. Major Jones expressed no anger or hostility towards the Chief or anyone in the Mayor's office. He stated that neither the Chief, Deputy Mayor Hesen, nor Mayor Fischer had, to his knowledge, ever done anything inappropriate regarding the Explorer matter.

On March 22, 2018 the team interviewed LMPD Deputy Chief Michael Sullivan. Deputy Chief Sullivan became a police officer in 1994 and was promoted to Major by Chief Conrad. He has served as Commander of the Seventh Division, the Assistant Chief in charge of administrative matters, and was promoted to Deputy Chief in April 2016. He had no prior connection with the Explorer program

and never heard of any misconduct involving that program. He vaguely knows Betts and Wood, but has no relationship with either.

Deputy Chief Sullivan first learned of issues within the Explorer program in October 2016 when Sgt. Gootee brought these concerns to his attention. Sgt. Gootee happened to see Deputy Chief Sullivan at police headquarters and mentioned the Explorer investigation. His first in-depth briefing concerning the Explorer matter occurred shortly thereafter at the same time that he was briefed concerning an unrelated PIU investigation. Sgt. Gootee showed him a PowerPoint presentation which detailed the status of the Explorer investigation. This occurred in November 2016.

Deputy Chief Sullivan recalls one meeting in the conference room at police headquarters in late 2016, probably in November, but perhaps December. The meeting was attended by Chief Conrad, representatives of the County Attorney's Office and perhaps Deputy Mayor Hesen. The briefing was initiated by Deputy Chief Sullivan and Chief Conrad and was conducted by PIU detectives. The detectives summarized the status of the Explorer investigation. No one attempted to direct the scope or pace of the investigation and there was nothing inappropriate about the meeting. Deputy Chief Sullivan said there have been a couple of updates from the PIU detectives presented to him and/or Chief Conrad concerning the progress of the Explorer investigation. He denied that there had been regular briefings with Deputy Mayor Hesen or anyone else from the Mayor's office. He denied that the PIU detectives moved their files to FBI headquarters because of any attempt to "corrupt" their investigation, as has been suggested. Rather, he explained that the PIU detectives wanted to leave certain charts and evidence displayed on the walls of their office used for the Explorer investigation and that this was impossible at PIU headquarters because of unrestricted foot traffic through those offices. The detectives were concerned that as other officers circulated freely through the PIU offices, sensitive information might be visible. This is consistent with information the team received from Major Jones.

Chief Sullivan recalls that at some point after the November 2016 briefing Assistant Chief Kreszig told him that PIU detectives were concerned about comments made by Major Burbrink. The comments were, in substance, that once the PIU investigation was completed, the detectives might be reassigned. Deputy Chief Sullivan does not know why Major Burbrink would have made those comments. He indicated that PIU staffing levels are dictated by the volume of work to be done. The Explorer investigation caused additional resources to be surged to

PIU. Deputy Chief Sullivan said that once the investigation is complete, it is possible that fewer resources will be needed in PIU, but that those decisions are based solely on resource allocations driven by the volume of work.

In response to the concerns purportedly raised by Assistant Chief Kraeszig, Deputy Chief Sullivan met with the PIU detectives. He assured the detectives that they were fully supported by the chain of command and that they were expected to do a full, thorough, and professional investigation of the Explorer matter. He asked them to make him aware of any impediments to accomplishing that task and committed that the command staff would support their efforts. He felt that whatever concerns may have existed were alleviated by the end of the meeting. He has not been told by the PIU detectives that anyone has made any attempt to inappropriately impede or direct the Explorer investigation. He believes the detectives were frustrated that a number of other investigations were proceeding in parallel, including the civil litigation and the internal inquiry ordered by the Mayor. The PIU detectives also expressed frustration by the volume of open records requests and the work that those matters created.

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We re-interviewed Major Burbrink concerning his alleged comments to the PIU detectives. He denies that he ever had such a conversation with the PIU detectives. We then interviewed Assistant Chief Kraeszig who denies attributing the remarks to Burbrink. She said that the information concerning the PIU detectives was simply a rumor which she passed on to the Deputy Chief. The attribution to Burbrink appears to be in error.

On March 26, 2018, the team interviewed Deputy Mayor Hesen for the third time. Deputy Mayor Hesen said that she was involved in one, or perhaps two briefings attended by the PIU detectives. Her best recollection is that she was involved in one briefing delivered by PIU detectives and one briefing conducted by Sgt. Mann, who led the Professional Standards Unit investigation of Officer Betts in 2013.

Deputy Mayor Hesen denied having regular meetings with the PIU detectives in the Chief's office, or elsewhere. She indicated that it was rare for her to be in the Chief's office and that she would certainly recall if she had weekly meetings with the PIU detectives. She spoke with Chief Conrad more frequently concerning the matter after November 2016, usually by telephone. She denied any attempt to direct the pace or scope of the investigation or to impede its progress in any way.

We conclude that the suggestion that Deputy Mayor Hesen, or anyone else in the Mayor's office, demanded weekly or regularly scheduled briefings from the PIU detectives is false. Obviously, the team would like to obtain information from the PIU detectives concerning this allegation, but we are unable to do so. Nevertheless, Major Jones, Deputy Chief Sullivan, Chief Conrad, and Deputy Mayor Hesen have all denied that these regular briefings were ever held or demanded. There is no reason to believe that these four individuals are prevaricating on this point. There seems to be no reason to do so. Major Jones no longer works for the LMPD and would certainly know the truth of this matter. If ten meetings occurred between Deputy Mayor Hesen and the PIU detectives, it would be an easy matter to prove. Moreover, there would be nothing wrong with the Chief or Deputy Mayor receiving regular briefings concerning an investigation of great public interest.

These allegations do, however, raise a concern. The allegations are very specific, i.e., Deputy Mayor Hesen insisted on regular briefings from the PIU detectives to be held in the Chief's office on a weekly basis and no fewer than ten such meetings actually occurred. The team also received a media inquiry that essentially asked if this same, quite specific information was true. We have concluded that this allegation is demonstrably false. This means that some person or persons has disseminated information that is both false and material to the investigation. The team does not know the source of the false information or the motive for its dissemination. It is a matter of concern.

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V. POLICIES AND PROCEDURES

A. Boy Scouts of America Policy

The misconduct within the Explorer program did not occur because of a lack of appropriate policies and procedures. Rather, it occurred because these procedures were not properly followed, implemented and supervised.

The Explorer program followed the Boy Scouts of America ("BSA") youth protection protocol. All Explorer advisors received this training. It was not followed by Betts or Wood.

The BSA sets forth the "three R's of youth protection" to all youth members: (1) Recognize that anyone could be a molester; (2) Respond when someone is doing something that goes against your gut or against the safety guidelines; (3) Report

attempted or actual molestation activity that you think is wrong to a parent or other trusted adult.

Here, the Explorers subjected to abuse confirmed they did not report improper behavior to Flaherty or the other Explorer advisors.

Youth protection, however, is the responsibility of adults. All Explorer advisors were trained concerning proper interaction with the Explorers. The BSA requires "barriers to abuse" to be implemented in all Explorer programs. This mandates the following procedures to be followed:

1. Two-deep leadership is required on all outings. A minimum of two registered adult leaders is required for all trips and outings. One of the adults must be 21 years of age or older.

2. One-on-one contact between adults and youth members is prohibited.

3. The policies of two-deep leadership and no one-on-one contact between adults and youth members also apply to digital communications. Leaders are not permitted to privately text, use social media or communicate through any other online or digital communication with youth.

4. Age-appropriate and separate accommodations for adults and youth are required.

5. The buddy system should be used at all times.

These policies were consistently violated. On numerous occasions – including all ride-alongs – an Explorer advisor was alone with an Explorer. This should not have occurred, and the ride-alongs were the source of many inappropriate sexual encounters. Relatedly, the program did not follow the buddy system. Had this occurred, the opportunity for misconduct would have been greatly diminished.

Betts and Wood repeatedly violated the prohibition on digital communications. Text, Snap Chat and Facebook messaging appear to be the primary manner in which Betts and Wood communicated with their victims. Had Betts and Wood followed the required protocol and not texted Explorers, many of the sexual relationships would likely not have developed.

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B. LMPD Policies and Procedures

1. PIU Operations Manual

PIU Operations Manual Section VII requires that upon receipt of a complaint or direction to investigate, the matter will be assigned a case number and logged in the system electronically. Flaherty failed to do this when the 2013 Betts matter was received. While this did not lead to Betts' misconduct, the failure to follow procedure leads some to believe a cover-up has occurred. This could have been avoided by simply following protocol.

PIU Operations Manual VIII (B) requires that when an investigator is assigned he will formulate an investigative plan and obtain approval of the investigative plan. This did not happen when the PIU investigators were sent to Explorer 1's house in 2013. Had this procedure been followed, it is possible that a more thorough PIU investigation would have occurred in 2013. It is impossible to know if the result would have been different.

The PSU Operations Manual requires that information regarding PSU investigations shall be released only with approval of the Chief or his designee. Here, the Betts report, in whole or part, was apparently leaked to media.

2. LMPD Standard Operating Procedure

LMPD Standard Operating Procedure 5.1.21 prohibits sexual activity while on duty or in a police vehicle. There are allegations of at least three officers who violated this policy.

LMPD Standard Operating Procedure 8.6.4 requires officers to complete a JC-3 and forward same to CHFS/DCBS. This did not occur here, but was arguably required in 2013 because Betts' exercised supervision of Explorer 1 and engaged in conduct that risked harm to her.

Finally, Section 5.1.3 prohibits "conduct unbecoming" by a police officer. This includes "immorality." Sexually exploiting minors is conduct unbecoming a LMPD officer.

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VI. WAS THERE AN EFFORT WITHIN THE COMMAND STAFF OF THE LOUISVILLE METRO POLICE DEPARTMENT TO "COVER UP" MISCONDUCT WITHIN THE EXPLORER PROGRAM?

Two LMPD officers are under indictment for allegations of misconduct in connection with the LMPD Explorers program. Several civil suits have been filed naming additional frontline officers as primary offenders. The civil litigation also alleges that the misconduct was known at various levels of LMPD management and covered up. Allegations of cover-up have surfaced in the media. Obviously, an intentional cover-up of misconduct is unacceptable and would require the strongest response.

Given the importance of the question, the investigative team will provide a direct answer, based on the information available to us. In our view, there was no effort in the LMPD senior command staff to cover up allegations of misconduct in the Explorer program. Our conclusion is based upon the information available to the investigative team which, in some respects, is incomplete. Nevertheless, we are confident that the senior command of the LMPD did not engage in an effort to cover up misconduct in the Explorer program.

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This conclusion does not imply, however, that these matters have been handled without error. To the contrary, we conclude that there have been violations of policy and mistakes in judgment, some significant. On the other hand, a number of important steps were taken within the LMPD which are entirely inconsistent with an effort to cover up these matters. Based on the totality of the information available to us, we do not believe there was a cover-up; we do believe that a number of mistakes were made. Our analysis follows.

The review of the evidence bearing on this question logically begins with the 2016 PIU investigation. The 2016 investigation was initiated by a PSU complaint filed by D.B. against Wood. It was then determined that there were allegations of criminal conduct and the matter was transferred to PIU.

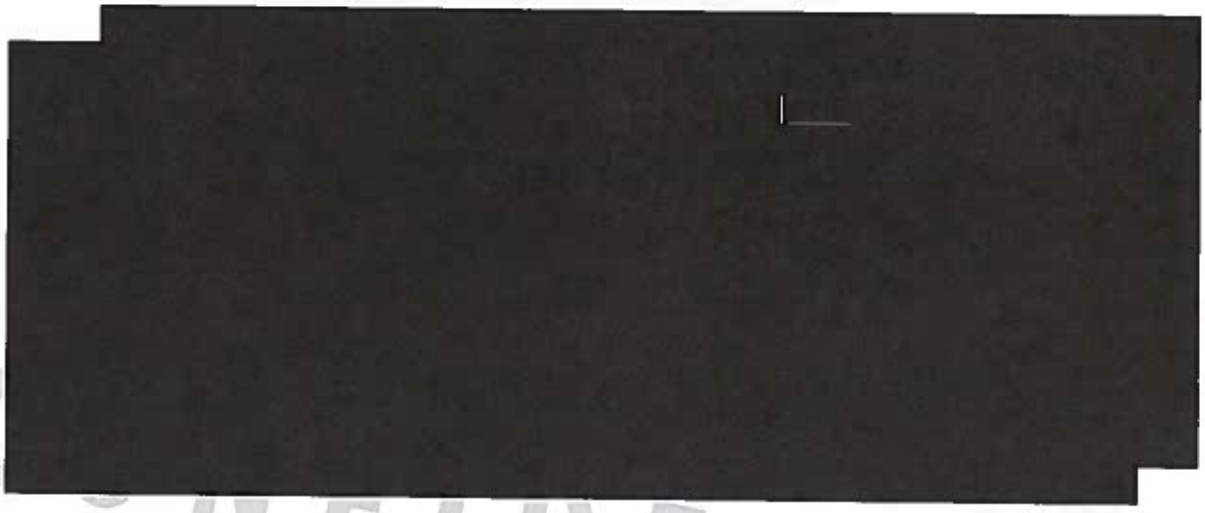
Undoubtedly, there has been no cover-up, or attempted cover-up, undertaken in connection with the 2016 investigation. That investigation has resulted in two indictments and continues. This matter has been widely reported in the media and a number of civil suits have been filed. From all indications, the LMPD detectives have pursued this matter aggressively, with the involvement of the Jefferson Commonwealth's Attorney's Office. The senior leadership of LMPD has shifted

resources to PIU in order to support the needs of this on-going investigation. The Mayor asked the FBI to join the investigation. Those actions indicate a desire to fully understand the facts of this matter and hold any wrongdoers accountable.

More questions have arisen concerning the 2013 PSU investigation of Betts which eventually led to his resignation. The fact that there *was* a PSU investigation of Betts that led to his resignation is, in itself, strong evidence that there was no cover-up. Nevertheless, there are issues which arise from that investigation which should be considered.

In similar fashion, there are a series of incidents that allegedly occurred in 2010-2011.

[redacted]



There was another potentially disturbing set of events involving Betts that began in or about 2008. This matter did not involve a LMPD Explorer. At the time, Explorer 2 was an Explorer that had been attached to a post in [redacted] Kentucky. The evidence suggests that he was 18 at the time the alleged misconduct began.

Betts and Wood apparently came to know Explorer 2 through an Explorer conference. As their relationship developed, Explorer 2 would travel to Louisville and participate in ride-alongs with Betts and Wood- something that should not have happened. Explorer 2 spent the night with either Betts or Wood from time to time after going on an evening ride-along. He wanted to be a police officer.

Explorer 2 reported to Wood that Betts had engaged in inappropriate behavior with him. Betts allegedly made a number of efforts to initiate a sexual relationship with Explorer 2. According to both Explorer 2 and Wood, he was encouraged to report this matter to Flaherty. For his own reasons, he declined to do so. Ultimately, Wood told Flaherty that there were issues involving Betts and Explorer 2. Wood suggested that Flaherty contact Explorer 2. According to both Wood and Flaherty, Wood did not disclose the nature of the issues and Flaherty never learned the facts of the inappropriate conduct. Flaherty believed it was a matter of unreturned personal property, not sexual misconduct. Flaherty called

Explorer 2 at least twice, leaving messages, but Explorer 2 declined to speak with him and the matter went no further.

Explorer 2 described the details of the alleged misconduct to Sgt. Mann during the 2013 PSU investigation of Betts. Explorer 2 alleges that Betts pursued a sexual relationship with him on a number of occasions. Explorer 2 alleges that Betts offered him money in exchange for sex. He also alleges that Betts implied that he would assist or impede his efforts to be employed as a police officer, depending on whether Explorer 2 engaged in a sexual relationship with Betts. These allegations potentially constitute criminal behavior. The conduct Explorer 2 describes could constitute solicitation of prostitution and official misconduct. This conduct should have been reported by Wood. Betts denies any illegal or coercive conduct concerning Explorer 2.

Flaherty attempted to contact Explorer 2, without success. Flaherty did not know the nature of the "problem" between Betts and Explorer 2. Nothing suggests that he should have known the severity of the issue, as Wood did not provide that information and Explorer 2 declined to speak with him. Consequently, the matter was not further investigated in 2011, but was discovered by Sgt. Mann's 2013 PSU investigation.

Sgt. Mann investigated potentially troubling behavior involving Flaherty and Schuhmann in relation to the 2013 PSU investigation. Explorer 1's parents reported a conversation with their neighbor who claimed that an unknown person driving a silver car parked in their driveway at the time of these events. The neighbor identified Schuhmann as that person from a photograph. If the identification were correct this would be troubling, as Schuhmann had no legitimate reason to be at Explorer 1's residence. Sgt. Mann fully explored this matter, however, and determined that Schuhmann did not have access to a vehicle matching the description provided by the neighbor. Schuhmann did not match the physical description of the driver provided by the neighbor who described him as having a beard. Finally, Schuhmann had an alibi which Sgt. Mann confirmed. Sgt. Mann concluded that the neighbor was mistaken and the available evidence supports that conclusion.

Explorer 1's mother also expressed concern that Flaherty attempted to dissuade her husband and her from moving forward with the matter. Sgt. Mann fully investigated this potential act of misconduct. He learned that Flaherty had contacted Explorer 1's father. Flaherty assured him that Explorer 1 could continue

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her participation in the Explorer program without incident. The allegation appears to arise from Flaherty's statements that it was up to the parents whether or not to speak with LMPD investigators. Flaherty also suggested that the matter would not be discussed among the Explorers and those with knowledge of it would be admonished to refrain from talking about it in order to avoid embarrassing Explorer 1. Explorer 1's father stated unequivocally, however, that Flaherty said nothing to dissuade him or his wife from discussing the matter with investigators, which is strong evidence that Flaherty did not, in fact, attempt to persuade Explorer 1's parents to drop the matter.

While the investigative team believes the evidence establishes that Flaherty made no effort to cause the Explorer 1's parents to decline cooperation with the PSU investigation, we believe he exercised questionable judgment in having any contact with them at all. Our conclusion stems from our belief that Flaherty should have immediately recognized that his long-standing relationship with both the Explorer program and Betts created a potential conflict of interest for him. The better course would have been to pass along the information to his superior, Major Burbrink. He should have highlighted the potential conflict of interest. Major Burbrink could have assigned the matter to another officer, or concluded that the potential conflict was insufficient to disqualify Flaherty's participation. In either event, the conflict would have been disclosed and the decision made by a disinterested referee.

Flaherty's interview with Sgt. Mann indicates that he recognized the potential conflict of interest. Nevertheless, he continued to involve himself in this matter by tasking PIU detectives to interview Explorer 1 and discussing the matter directly with her parents. The better practice would have been to have taken no action before discussing the potential conflict with Major Burbrink and receiving instructions from his superior. To be fair, there appears to have been no formal conflict of interest policy and procedure governing PIU/PSU investigations. The Betts investigation would have benefitted from such a policy.

This lapse in judgment was apparently repeated in 2016 when the Wood investigation was initiated. Flaherty learned of the allegations involving Wood and, on his own initiative, tasked Explorer Advisers, including Schuhmann, to contact a number of the Explorers. The purpose of the contact was to determine if any of the Explorers had been the subject of any inappropriate contact with an advisor. While the purpose may have been benign, this is another instance in which the better course of action would have been to have recognized the potential conflict of interest. In fact, the issue is plain in relation to the 2016 investigation. At that

point, Flaherty had no connection with PIU or PSU. He would have certainly recognized, however, that the allegations involving Wood would trigger a far reaching PIU investigation. He should have taken no action without coordinating with the Special Investigations Commander. In all likelihood, he would have been instructed to stand down.

There is another aspect of Flaherty's involvement with the 2013 Betts' investigation that is potentially troubling. Major Burbrink, reports that Flaherty tasked PIU officers to interview Explorer 1 without his knowledge. Burbrink was the Special Investigations Division Commander, supervising both PIU and PSU. Burbrink indicates that he did not learn Flaherty had taken action until it was reported as part of Sgt. Mann's investigation. Major Burbrink further reports that Flaherty did not formally open a PIU file and assign the matter a case number. Major Burbrink described this as a departure from policy, but not a breach of policy. We believe this was, in fact, a breach of policy and that the matter should have been formally opened and assigned a case number.

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For his part, Flaherty says that he was merely tasking the officers to make a preliminary inquiry to determine if the matter warranted PIU investigation. According to Flaherty, the officers quickly determined that there was no criminal violation but that a professional standards investigation was warranted. In accordance with that conclusion, the matter was transmitted to PSU and Sgt. Mann initiated his investigation.

The initial PIU interview raises at least a couple of questions. First, the interview was not recorded. While this is not necessarily a policy violation, the better practice would have been to record the interview. Second, Explorer 1 was interviewed with her parents present. Again, this does not appear to be a violation of policy. Indeed, the record suggests that Explorer 1 wanted her parents to be present for the interview. From an investigative point of view, however, it would have been better for Explorer 1 to be interviewed alone. She was 16 years old, not a young child. Although the subject matter was undoubtedly uncomfortable, the fact that she initiated this matter by approaching Officer Paris suggests that she was fully capable of discussing it with the investigators without the presence of her parents. Moreover, there may have been important details that she would have felt more comfortable discussing outside of the presence of her parents.

While there are aspects of the initial interactions with Explorer 1 and her family that are subject to criticism, nothing suggests that it was part of an

orchestrated plan to cover up these matters. We learned that it is not unusual for the initial stages of a PIU investigation to proceed without formally opening a file and drawing a case number. We were told that this is done, in part, so that allegations quickly disproven will not be subject to Open Records Act requests. We understand the desire to protect officers from the publication of scurrilous and demonstrably false allegations. This is an insufficient reason, however, to vary from departmental policy which requires the formal opening of a case file and assignment of a case number when PIU investigates a matter.

This is more than a technicality. Every investigative action by the Special Investigations Division should be thoroughly documented. Here, that was not the case. Nevertheless, the fact that Flaherty immediately reacted to the allegations against Betts by sending experienced PIU detectives to interview Explorer 1 is inconsistent with an effort to cover up this matter. Had that been his intent, he more likely would have handled the initial interview himself and tried to conclude the matter at that stage. Here, once the PIU detectives determined that there was no criminal conduct to investigate, Flaherty passed that information on to Major Burbrink who started the process that quickly led to the opening of a PSU investigation. Once again, this is inconsistent with an attempt to cover up these allegations. Flaherty would have known that he would have no influence over the course of the PSU investigation. An officer in Flaherty's position desperate to cover up the matter would have taken every possible step to prevent a PSU investigation. Here, Flaherty did the opposite.

The PSU investigation, under Sgt. Mann's direction, proceeded in an orderly manner. Our review indicates that Sgt. Mann intended to conduct a thorough, unbiased investigation. There is absolutely no evidence that he participated in any attempt to cover up wrongdoing in the Explorer program. Sgt. Mann interviewed a number of witnesses and ultimately concluded that Betts was guilty of conduct unbecoming an officer. Electronic evidence was gathered from Explorer 1's telephone. His investigative efforts included interviews with Explorer 1 and her parents, Brad Schuhmann, Brandon Wood, Explorer 2, Curtis Flaherty, and others. The investigative report is voluminous and explores in detail the inappropriate text message interaction that Betts had with Explorer 1.

The PSU investigation remained narrow in scope, however, and never resulted in a broad review of potential issues in the Explorer program. It is impossible to know what a broader review would have discovered.

There was information, or at least allegations, which might have been material to Sgt. Mann's thinking that were unknown to him at the time. [redacted] He questioned Flaherty concerning his knowledge of any other issues with Betts, at one point asking "do we have a pattern of behavior here between Officer Betts preying on Explorers?" Flaherty responded that it was possible but that he had no indication of that sort of behavior. [redacted] It is a matter of conjecture as to whether this information would have caused Sgt. Mann to broaden his investigation.

Sgt. Mann did learn the details of the Explorer 2 allegations. He concluded, perhaps wrongly, that the allegations were not criminal in nature because Explorer 2 was an adult. Explorer 2 alleged that an LMPD officer offered him money for sex and offered to help or impede his efforts to gain employment as a police officer, depending on how he responded to Betts' solicitations. These are serious matters, potentially criminal in nature. Any criminal charge would likely have been a misdemeanor and could have been barred by the one year statute of limitations. PIU's mandate is to investigate felonious conduct. Nevertheless, the allegations were of sufficient severity that further action was needed. The allegations should have been referred to PIU, or reviewed by Jefferson County prosecutors to determine if further investigation was warranted.

[redacted]

At the conclusion of Sgt. Mann's investigation, he followed procedure by forwarding his investigative file and substantiated charges up the chain of command. This ultimately led to Betts' resignation from LMPD and a

determination by Chief Conrad to mark the file "closed by exception." This sequence of events has been the subject of a great deal of conjecture and bears discussion.

Sgt. Mann substantiated the charges against Betts. He forwarded his findings to his superior, Lieutenant Meagher, who sent them on to Major Burbrink. The charges continued up the chain of command to the Deputy Chief and ultimately to Chief Conrad. Before the disciplinary decision is made by the Chief, a number of those in the command staff weigh in with their opinion. Here, all agreed that Betts had committed a serious act of misconduct and should be separated from the LMPD. During the deliberative process, it was learned that Betts had a serious medical condition (although Betts represented that he had a serious medical condition, it does not appear that the nature or extent of the condition was independently verified). Further, it appeared that he was willing to resign if he could continue his employment long enough to complete his medical treatment. He expressed concern about losing his health insurance before completing treatment. During this time, Betts was removed from the Explorer program and assigned what was essentially "desk duty".

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There was a division of opinion within the command staff concerning whether to fire Betts, or allow him to resign after his medical treatment was complete. Some strongly believed that Betts should be fired, while others disagreed. Ultimately, Chief Conrad decided to delay action until Betts resigned. Consistent with this decision, Betts tendered his resignation from LMPD on March 24, 2014. Chief Conrad ordered the file "closed by exception" on April 4, 2014, which is the appropriate administrative determination when an employee resigns before the disciplinary process is complete.

Reasonable people can differ regarding Chief Conrad's decision to stay his hand until Betts resigned. It is not, however, evidence of a cover-up, nor did that decision in any way impede the fact-finding process.

The difficulty with a resignation by someone in Betts' position is that it makes it more likely that a person unsuited to police work may be able to continue in the profession. Indeed, Betts was able to obtain employment with another police agency after leaving LMPD. On the other hand, allowing Betts to continue his health insurance coverage until the treatment of a serious medical condition was concluded is understandable. Moreover, allowing Betts' resignation carried significant benefits for LMPD. Public employees who are terminated have appeal

rights, in this case to the Louisville Metro Merit Board. Employees who resign waive those appeal rights. By allowing Betts to resign, he was not able to appeal a disciplinary action to the Merit Board, which could have returned him to work, an eventuality which all who reviewed the case wanted to avoid.

We also learned that some delay in making disciplinary decisions was not unusual. Chief Conrad indicated that he generally took these matters in turn and made an intentional effort not to decide the cases in "batches". He adopted this practice in order to avoid overwhelming the Merit Board. This standard practice of disposing of disciplinary cases by Chief Conrad was confirmed by a number of his subordinates. In that respect, the Betts matter was not unusual.

Perhaps most importantly, closing the Betts file by exception did nothing to impede the fact-finding process. Closing the file by exception did not truncate an ongoing investigation. Sgt. Mann conducted the investigation. His investigation was complete in September 2013. Had Chief Conrad fired Betts instead of allowing him to resign, no further investigation would have resulted.

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It is not unusual for managers of public employees facing termination to allow those employees to resign; indeed, they cannot prevent a resignation. They do so, at all levels of government, precisely for the reason presented here - it cuts off appeals of the termination decision. Reasonable people can differ with Chief Conrad's determination of this matter. One can certainly argue that the better course would have been to have fired Betts. There is no basis upon which to conclude, however, that Chief Conrad's actions in this matter impeded the fact-finding process in any way.

There were two other instances of concern to the investigative team which occurred after Sgt. Mann completed his work. First, PSU retrieved data from Explorer 1's cell phone. Included in that data were nude images of the teenager. Sgt. Mann and his chain of command made a determination that these images had not been transmitted to Betts or anyone else. Sgt. Mann was disturbed at the prospect of leaving these images, which had been burned to a disk, in the investigative file. He appropriately addressed this concern with his chain of command. Ultimately, Major Burbrink decided that the disk should be destroyed. The investigative team questioned Major Burbrink regarding this decision.

Major Burbrink believed that the disk containing the images had no evidentiary value. He said that a forensic determination had been made that the

images had not been transmitted from Explorer 1's phone. He was concerned that the images could be released at some future point, causing unnecessary embarrassment to Explorer 1. Believing that the images had no evidentiary value, he ordered that the disk containing them be destroyed. He also indicated that there was no reason to inform Explorer 1's parents that these images existed, believing it would only cause her unnecessary embarrassment.

We believe this judgment was flawed. While we accept that there was no affirmative reason to conclude that the images had evidentiary value at the time of their destruction, we do not believe that this material, gathered as part of an official investigation, should have been destroyed without some further review. We are also uncertain as to whether there was a conclusive forensic determination that the images were not transmitted to anyone else as opposed to simply being unable to determine whether or not that was the case. Further, nude images of a teenager on a cell phone are cause for concern. Explorer 1's parents should have been notified that this evidence had been found.

No evidence suggests that Chief Conrad knew of this decision before the fact, or in any way participated in the process. Likewise, nothing suggests that any LMPD officer involved with this decision engaged in any intentional wrongdoing. While we believe that the decision to destroy the disk containing the subject images was unsound, nothing suggests that it flowed from bad motives.

Finally, our investigation revealed a curious incident that occurred as part of Betts' resignation process. During the exit process, he met with LMPD representatives and returned the departmental property in his possession. The officer who oversaw that process remembered seeing his badge on the table, along with other property. She left the room briefly and then noticed after Betts departed that the badge was no longer among the items he left with her. There is some indication that a file was opened and a case number assigned for this incident. Word was sent to Betts that if the badge was not returned, official action would be taken. Betts returned the badge within 24 hours, through his attorney, claiming that it had been inadvertently left in his car.

Although it is believed that a case was opened, later efforts to retrieve it indicate that there is no physical or electronic file. No one has been able to determine why this is the case. Moreover, there is no apparent motive for removing or destroying the file.

We conclude that there were long-standing issues in the Explorer program, dating back through a number of police administrations and even prior to the City-County merger. Certain of these issues, such as the Explorer 1 text interactions, are readily confirmable, while others are not. As indicated by the foregoing, we also conclude that there were instances in which LMPD policies were not scrupulously followed and questionable judgments were made. Some of these problematic decisions were potentially consequential while others were not. We also conclude, however, that there was no orchestrated or coordinated effort within the command staff to cover up misconduct in the Explorer program. Mistakes and errors in judgment are qualitatively distinct from a criminal cover-up.

Of those in the chain of command, Flaherty's conduct raises the most questions. [redacted]

In other respects, we take issue with Flaherty's decision-making. It must be acknowledged, however, that he took several steps that are inconsistent with an intentional cover-up. For example, upon learning of the Explorer 1 allegations, he dispatched seasoned detectives to question her and to interact with her parents. One who hoped to cover up these matters would have conducted the interview himself. When PIU determined that there were no criminal violations involved, he promptly reported that to his superior who appropriately initiated a reasonably thorough PSU investigation. One who hoped to cover up this incident would have done his best to avoid a PSU investigation over which he would have no control.

There is also the question of motive. An orchestrated cover-up of sexual misconduct in the Explorer program would expose the perpetrator to serious criminal liability. Presumably, one would need a strong motive before taking such a risk. We are unable to find that sort of motive.

In reviewing the conduct of others in the LMPD chain of command, nothing suggests an attempt or desire to cover up misconduct in the Explorer program. Allegations of misconduct in the Explorer program go back many years, across more than one administration. If we assume there was widespread misconduct in the Explorer program, then one must assume that covering it up would require the on-going commitment of a number of people over a long period of time. Under the circumstances, it seems quite unlikely that senior commanders in the LMPD were involved in this type of behavior.

While it is possible to find fault with certain aspects of the process that led to Betts' resignation, it is undeniable that the LMPD command staff caused the PSU investigation to occur and did nothing to impede its progress. Likewise, the 2016 investigation has been aggressively conducted. The LMPD senior command surged additional resources to support that investigation. The Mayor contacted the FBI and requested that it investigate this matter. Our investigation includes interviews with a significant number of former Explorers who served at various points in the program's history. None of these individuals report any awareness of misconduct within the Explorer program during their service. Likewise, none of the senior commanders of the LMPD whom we have interviewed, whether currently serving or retired, report any awareness of allegations of wrongdoing within the Explorer program. Our review leads us to conclude that there was no on-going, orchestrated effort to cover up misconduct in the LMPD Explorer program.

VII. RECOMMENDATIONS CONCERNING CONTINUED OPERATION OF THE LMPD EXPLORER PROGRAM

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The Boy Scouts of America sponsored Law Enforcement Explorer program is designed to provide young people who are interested in a law enforcement career with a head start on pursuing their professional goals. It is a program of long-standing and, when functioning properly, benefits both participants and the sponsoring agencies. The participants get real training and a glimpse of the professional life of a law enforcement officer. The sponsoring agency develops a pool of interested young adults from which to recruit.

On the other hand, the challenge of properly operating such a program is all too obvious considering the circumstances giving rise to this investigation. The sexual abuse of law enforcement Explorers is not limited to the allegations arising from the LMPD program. Indeed, similar allegations have occurred across the country and date back many years. These challenges must be weighed against the perceived benefits of operating a Law Enforcement Explorer program in deciding whether it should be continued. That decision is the beyond the scope of this investigation.

In the event that the Metro Government and LMPD choose to continue its affiliation with the Law Enforcement Explorer program, every effort must be made to ensure compliance with Boy Scouts of America guidelines governing volunteers.

In addition to those guidelines, we offer a number of proposals which we believe would mitigate, not eliminate, the risk:

1. **Advising the Explorer Post Should be an Assigned Duty, Not a Volunteer Effort**

We recommend that, should the LMPD Explorer program continue, the advisors should be selected by the LMPD command staff and assigned that duty as a regular component of their employment. Historically, the program has been operated by LMPD officers who volunteer for that duty. While the overwhelming majority of Explorer advisors undoubtedly volunteer for the right reasons and render admirable service, allegations of sexual abuse across the country indicate that there are those who participate in order to be close to young people for their own nefarious purposes. While we take no position on whether the LMPD Explorer program should be continued, we believe that if it is important enough to sponsor, it is important enough for advisors to be assigned those duties. This will promote a more professional and less casual approach to the Explorer program. The advisors will be more likely to view their role as a professional activity which will promote appropriate boundaries with the Explorers.

2. **Explorer Advisors Should be Rotated Out of the Program on a Regular Basis**

Those who are assigned duties as advisors to the Explorer Post should be rotated out of the program with some frequency. We recommend 18-24 month tours as sponsors. This policy will further promote an appropriate and professional relationship between advisors and Explorers and deter an unhealthy familiarity between those groups. Rotating sponsors also ensures that fresh eyes are continually on the program. To the extent that unhealthy relationships are developing, they will be more likely to be discovered, reported and ended at an early stage.

3. **The Chief Explorer Advisor Should be a Senior Officer**

We recommend that the Chief Explorer Advisor be at least at the rank of Major. This will provide the Explorer Post with mature leadership and a varied professional background.

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4. The Chief Advisor to the Explorer Post Should be Changed Every 18-24 Months

The last Chief Advisor to the LMPD Explorer Post served in that capacity as a volunteer for more than two decades. While a willingness to volunteer is laudable, it is not, in our view, desirable to have the same lead advisor for a long period of time. Rotating the Chief Advisor will promote a more professional, less casual relationship between the program, its advisors and its participants. The Chief Advisor is less likely to develop a proprietary view of the program and fresh eyes at the senior level will be focused on the program on a frequent basis.

5. Establish a Minimum Age to Serve as an Explorer Advisor

In many cases, LMPD advisors to the Explorer Post were not much older than the participants. Again, we believe that the vast majority of Explorer advisors rendered laudable service and should be commended for their willingness to volunteer. Nevertheless, we think it is healthier if there is a significant gap in the age of Explorer sponsors and participants. To be sure, this is no guarantee of appropriate behavior. There are examples across the country where Explorer sponsors in their 50s have been accused of sexual abuse of the participants. Nevertheless, we believe that a significant gap in the age between sponsors and participants promotes a more professional, less personal relationship. We recommend the age of 30. This also ensures that no LMPD officer hired from the Explorer program will serve as an advisor with Explorer participants who were once peers.

6. Recruit Parents of Explorers to Serve as Sponsors Along with LMPD Officers

Including parents as Explorer Post advisors would be beneficial. Not only would this provide outside observers to the Explorer activities, but it brings an important point of view concerning the appropriate boundaries of the program.

7. Limit Participation in the Explorer Posts to Those Under the Age of 18

We recommend that Explorers age out of the program upon their 18th birthday. As currently constructed, Explorers may participate until they reach the age of 20. During the course of our investigation, we have reviewed a number of allegations of inappropriate sexual contact between Explorers and sponsors. In

many cases, the lines blur because the Explorers may be over the age of 18. While fraternization between sponsors and Explorers may be inappropriate, it is not illegal if the Explorer is age 18. This promotes unhealthy relationships. Moreover, it necessarily entails that adult participants in the Explorer program are serving with participants who are minors. We do not believe this is prudent. Limiting all Explorers to those under age 18 draws a bright line, making it clear that social relationships with participants are completely inappropriate. This cut-off eliminates ambiguous circumstances.

8. End The Practice of "Ride-Alongs"

While "ride-alongs" are undoubtedly one of the most popular Explorer activities, we recommend that they be eliminated. Ride-alongs generally entail an Explorer advisor being alone in a patrol car with an Explorer, often a minor, often at night. This not only increases the difficulty in detecting inappropriate conduct, it increases the possibility of false accusations. Moreover, Explorers may be exposed to unduly dangerous circumstances. Ride-alongs should be eliminated.[28]

In the event that LMPD chooses to continue its sponsorship of an Explorer post, we believe that these recommendations will assist it in the appropriate administration of the program.

VIII. RECOMMENDATIONS CONCERNING OPERATION OF THE SPECIAL INVESTIGATIONS DIVISION

The Special Investigations Division is composed of the PIU and PSU. The units "police the police." PIU investigates allegations of police misconduct which could result in felony prosecution. PSU investigates allegations of misconduct which could result in adverse personnel actions.

These functions, often referred to as "internal affairs", are among the most sensitive of the LMPD. It is imperative that PIU and PSU investigations not only be fair, objective and thorough, but that they be seen as such by the public. There is often skepticism concerning the ability of a police department to police itself. Community trust in a police department is vital and must not be squandered because the public suspects that it cannot police itself.

[28] The LMPD's ride-along policy complies with the National Law Enforcement Exploring Program Guidelines. Nonetheless, we recommend discontinuing the practice.

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A. Conflicts of Interest

In some respects, there is an inherent and irreconcilable conflict of interest in police agency investigations of its own members. Nevertheless, the efficient operation of a police force demands that it support a robust internal affairs function. The unique fact pattern presented by this matter illuminates, in our view, the need for LMPD to draft and implement a comprehensive conflict of interest policy for PIU and PSU. By definition, PIU and PSU personnel are investigating their colleagues. Invariably, questions will arise concerning the objectivity of such an investigation in a high profile matter such as the one now under consideration. A fully functioning conflict of interest policy can both avoid real conflicts, and eliminate the appearance of conflicts of interest.

LMPD Standard Operating Procedure ("SOP") 5.1.46 governs recusals and applies to all officers. This SOP was not adopted until August 2017. The SOP sets forth a general principle regarding recusals for conflicts of interest, but does not establish a sufficient process to insure compliance. The Special Investigation Division, given its unique mission, should adopt its own rigorous conflicts of interest policy.

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The facts of the LMPD/Explorer matter are illustrative. By coincidence, Flaherty was the officer in charge of the PIU when the 2013 allegations against Betts stemming from his interactions with Explorer 1 commenced. Once it was determined that Betts sent inappropriate text messages to Explorer 1, the allegations were forwarded to Flaherty as head of PIU. Identifying the contours of a conflict of interest is often difficult, but here, Flaherty appeared to be conflicted. He had been the advisor to the Explorer program for two decades. He had known Betts for many years, stemming from Betts' participation in the Explorer program. He advocated hiring Betts as an LMPD police officer. Betts became an Explorer advisor and worked with Flaherty in that capacity.

By the time the 2013 allegations were made, Flaherty had extensive contacts with both Betts and the Explorer program. Presumably, he also knew the alleged victim through her participation in the program. We do not suggest that the circumstances created a legal impediment to Flaherty's involvement. Indeed, it does not appear that his involvement in the investigation, limited as it was, violated any conflict of interest rules because, to our knowledge, there was little in the way of a written conflict of interest policy for the Special Investigations Division. We

believe, however, that the circumstances present the strong appearance and the likelihood of an actual conflict of interest which should have precluded Flaherty from having any participation in the investigation whatsoever. To his credit, Flaherty recognized the potential conflict, but participated in the initial stage of what proved to be an abbreviated investigation. The better course would have been to immediately pass this matter on to his superior to be handled by a designated officer not laboring under a potential conflict.

Walling off Flaherty from any contact with the investigation would not only have benefitted LMPD, it would have served Flaherty as well. Although his actions regarding the investigation were quite limited, they may be viewed with skepticism because of his connection to the Explorer program and Betts.

The circumstances presented by this matter are unique. They are capable of repetition, however, as every PSU and PIU investigation requires a LMPD officer to investigate a colleague. We are confident that the officers of the Special Investigative Division generally use good judgment in order to identify conflicts of interest. We are confident that these officers generally remove themselves from an investigation in which they perceive themselves as conflicted. Indeed, the PSU Operations Manual states that the regular assignment by rotation process should be interrupted to avoid tasking an officer with an investigation if there is a conflict of interest. The Operations Manual provides no guidance, however, in defining, identifying, or documenting a disqualifying conflict of interest. Conflicts of interest are often matters of degree, difficult to identify and subject to differing interpretations.

Based on the foregoing, we recommend that LMPD adopt a rigorous conflicts of interest policy for the Special Investigations Division. At a minimum, the policy should ask PIU and PSU officers to describe, in writing, their past association, whether professional or social, with the subject of an investigation for which they may be assigned. Likewise, any association with the complainant or alleged victim should be disclosed. Full disclosure is the *sine qua non* of appropriately dealing with conflicts of interest questions. The supervisor of PIU or PSU, as the case may be, should then conclude if there is an actual or apparent conflict before making final staffing decisions for that investigation. All stages of the process should be documented.

In similar fashion, the PIU and PSU leaders should document their associations with the target and others involved in the investigation. Ultimately, a

decision by a disinterested party as to whether a perceived conflict is disqualifying protects the process and the detective. No system is perfect, but the implementation of clearly understood conflict of interest rules will be beneficial.

Consideration should be given as to whether those serving in the leadership of the FOP bargaining unit should be eligible to serve in PSU or PIU. FOP leaders have a primary role in protecting the rights of officers, including those accused of misconduct. This role creates an inherent conflict with functioning as a Special Investigations Division officer. In the event that LMPD believes this suggestion has merit, the FOP should be consulted before implementation, as it may be an issue for collective bargaining.

Internal affairs investigations are sensitive. The integrity of the investigations must be beyond question. Moreover, the investigators themselves should be protected from unwarranted criticism. A well-designed conflicts of interest policy advances both goals.

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B. Legal Review of PSU Determinations

A number of questions are raised by the 2013 PSU investigation involving Betts. The overarching question is whether different decisions should have been made that would have prevented what came after. The answer is likely unknowable.

The decision to cabin the Betts' investigation as an administrative, as opposed to criminal matter, is worthy of consideration, however, and potentially consequential. The PIU officers assigned to interview Explorer 1 on the evening that the Betts' text messages were discovered quickly determined that no criminal laws were implicated. They apparently did so after consulting with their colleagues in the sex crimes unit. We cannot take issue with that determination, based on the limited information available to them at the time. Believing that no criminal laws were implicated, the matter was transmitted to PSU for an administrative investigation, an appropriate action given the premise.

Sgt. Mann then led an investigation directed toward Betts' interactions with Explorer 1. The matter was presented to him as an administrative, not a criminal matter and he followed that course. To be sure, PSU investigators can re-engage PIU upon discovery of evidence of criminal conduct and that frequently occurs. Here, it did not. Sgt. Mann's investigation uncovered evidence which could have

triggered a broader criminal review. The suspected violations may have been misdemeanors and may have been barred by the statute of limitations but could have constituted criminal conduct nonetheless. The 2013 PSU matter proceeded as an administrative investigation and ultimately resulted in Betts leaving LMPD. It did not produce a broader review to determine if criminal prosecution was warranted.

We recommend that a policy be implemented requiring a review by attorneys, presumably prosecutors with the Jefferson County Attorney's Office, in PSU matters involving serious allegations of misconduct. This might be measured by the penalty sought to be imposed, such as termination.

Such a review may not have led to a different outcome in the Explorer matter. On the other hand, it is possible that an investigation of Betts' interactions with Explorer 2 could have led to a broader review of the Explorer program in general.

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It is important to note that Sgt. Mann's investigation, given its purpose, appears to be thorough and objective. We are aware of no evidence that he made any attempt to suppress any proof of wrongdoing or reach a preordained result. From the information available to the team, we conclude that Sgt. Mann genuinely sought the truth of the allegations he was asked to investigate. We believe, however, that the investigation would have benefitted from a legal review.

C. Consider Term Limiting Assignments to the Special Investigations Division

The United States Department of Justice, Office of Community Oriented Policing Services publication entitled "Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice" is a useful resource. The publication is attached as Exhibit 8. The authors suggest that police agencies consider term limiting assignments to Internal Affairs units to a maximum of five years. These are difficult assignments and can be wearing. By the same token, the assignments can be an important tour of duty in an officer's professional development. Special Investigations detectives have a unique opportunity to view complex circumstances from a wider agency perspective. This experience is a useful building block for future managerial personnel. LMPD may benefit from exposing a larger number of its personnel to the unique experiences encountered by Special Investigations detectives.

The culture and needs of every police agency are different. There may be unique circumstances that would argue against term limiting Special Investigations personnel in LMPD. We believe, however, that this practice should be considered by the senior leadership of LMPD.

IX. CONCLUSION

The misconduct in the LMPD Explorer program is disturbing and unacceptable. Although the alleged perpetrators were relatively few in number, they were well-placed to do a great deal of harm. These events will continue to be reviewed in our courts and by a justly concerned public. More will be learned and additional conclusions drawn. Appropriate steps will be taken to insure that these events cannot be repeated.

Our review leads us to conclude that mistakes were made and policy was not rigidly followed. We also reviewed the work of many LMPD officers striving mightily to do the right thing in the right way. While we do not believe that there was, as some have asserted, a massive cover up of misconduct in the senior ranks of the LMPD, there are lessons to be learned from this episode. We hope that our work will contribute to the learning.

CONFIDENTIAL

Kerry B. Harvey

Andrew L. Sparks

Clay Mason with permission

Clay Mason

EXHIBIT 1

DICKINSON WRIGHT PLLC

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LEXINGTON, KY 40507-1621
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FACSIMILE: (844) 670-6009
http://www.dickinsonwright.com

KERRY B. HARVEY
KHarvey@dickinsonwright.com
(859) 899-8739

January 12, 2018

Mr. David Yates
600 West Main Street
Suite 500
Louisville, KY 40202

Re: LMPD/Explorers Program

Dear Mr. Yates:

I am an attorney with Dickinson Wright PLLC in the Lexington office. As I believe you know, I was retained by the Louisville Metro Government to conduct a review of its response to allegations of abuse in the LMPD/Explorers Program.

We want to access all of the relevant information to inform our conclusions. Obviously, you are in a position to assist us in this inquiry. We would very much appreciate the opportunity to interview you in order to benefit from your insights into this important matter.

We hope that you will be amenable to a discussion of the allegations concerning this matter as well as the response of the Louisville Metro Government. You may contact me by telephone or email and we will be pleased to schedule an appointment at a time and place convenient to you.

Best regards.

Very truly yours,

Kerry B. Harvey

KBH:sac

LEXINGTON 74462-1 60974v1

EXHIBIT 2

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KERRY B. HARVEY
KHarvey@dickinsonwright.com
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February 15, 2018

Via U.S. Mail and Email: Tad@thomaslawoffices.com

Tad Thomas
9418 Norton Commons Boulevard
Suite 200
Louisville, KY 40059

Re: LMPD/Explorers Investigation

Dear Mr. Thomas:

As I believe you know, I have been engaged to conduct an inquiry into the Louisville Metro Police Department and its connection with the Explorers Program. I know that you represent a number of clients who have initiated litigation arising from allegations of misconduct within the LMPD/Explorers Program.

The nature of our inquiry concerns the response of the Louisville Metro Government to allegations of misconduct within the program. The allegations in the complaints you have filed on behalf of your clients are of obvious relevance to our inquiry. We wish to cast as wide a net as possible in order to uncover the facts necessary for a full understanding of this matter. We invite you and/or your clients to share with us any information that you believe is material to our inquiry. We would be pleased to meet with you and/or your clients at a mutually convenient time and place in order to discuss this matter.

Please let me know if you are available for such a meeting.

Regards.

Very truly yours,

Kerry B. Harvey

KBH:sac

LEXINGTON 74462-1 62373v1

THOMAS LAW OFFICES
WHERE CLIENTS COME FIRST

9418 NORTON COMMONS BLVD
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LOUISVILLE KY 40059
PHONE: 877-955-7001
THOMASLAWOFFICES.COM

February 19, 2018

VIA EMAIL
kharvey@dickinsonwright.com

Hon. Kerry B. Harvey
Dickinson Wright, PLLC
300 West Vine Street, Suite 1700
Lexington, KY 40507-1621

RE: LMPD/Explorers Litigation

Dear Mr. Harvey:

Thank you for your letter dated February 15, 2018. As I'm sure you understand, cooperation is a two-way street. Unfortunately, in the course of conducting my own investigation as part of this litigation, agencies of the City of Louisville and its counsel have refused to cooperate and produce relevant information that should be open to the public. Our open records requests have either been only partially answered or have gone unanswered in their entirety. Baseless claims of privilege or exaggerated claims of needing months to gather documents have been made to prevent our efforts to obtain clearly relevant and public information. In addition, LMPD and prosecutors handling the criminal matters have refused to produce information that we requested as part of our investigation.

Thus, while my clients are eager for the truth to be heard, to see those responsible held accountable, and to see changes to be made to protect other youth, it is apparent the City prefers to hold the truth close to the vest and has no interest in sharing information with the public or with my clients. Thus, because of what appears to be a one-sided request on the part of the City, we cannot agree to participate in your investigation.

However, if you intend on sharing your file with me as part of an exchange of information so that my clients are able to obtain additional facts which reveal this cover-up, I'd be happy to discuss further.

Sincerely,

Tad Thomas

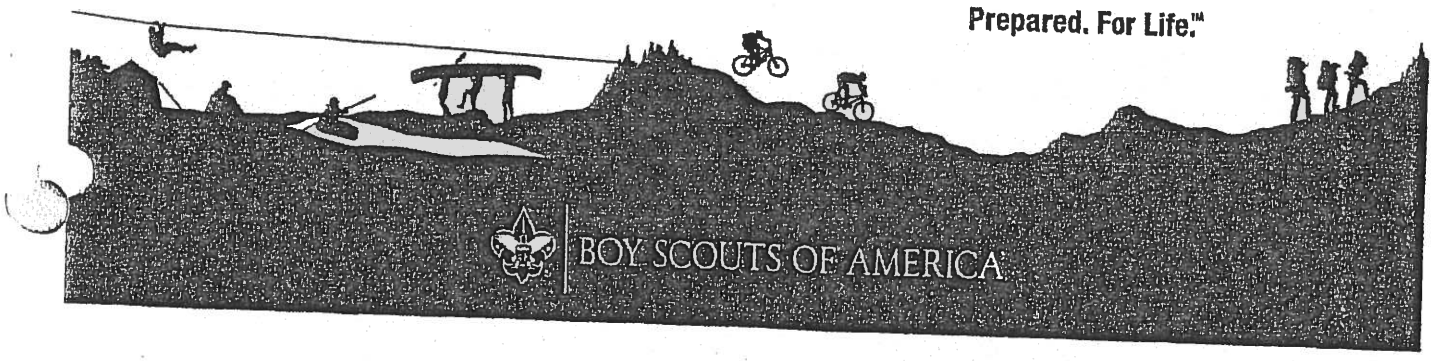
EXHIBIT 3

YOUTH PROTECTION TRAINING

FOR VOLUNTEER LEADERS AND PARENTS

Facilitator's Guide

The Boy Scouts of America deeply appreciates your leadership in facilitating this session of "Youth Protection Training for Volunteer Leaders and Parents." This training is an important part of helping to protect our members from child abuse. This Facilitator's Guide provides step-by-step instructions to help you prepare for and present this training session. We encourage you to review these materials and become thoroughly familiar with them. Most of the training is delivered through the information on the DVD. In addition to the information from the video, you must learn the specific reporting procedures used in your BSA local council and add them to the handout materials for the participants in your training sessions.



LEARNING FOR LIFE
PreK-12 Programs Career Exploring

Youth Protection Policies for Curriculum Based Programs

Learning for Life programs in schools and organizations must follow both Learning for Life and organizational prevention policies. The following policies have been adopted to guard against abuse and to give protection to the adult leaders.

Leadership Requirements for Trips and Outings

- Two-deep leadership: Two adult leaders, at least 21 years of age, are required on all trips and outings.
- If male and female youth are present, 21 year old leaders of both sexes are required on overnight trips.
- There should be no one-on-one contact with youth.
- Separate (male/female) adult and youth bathrooms and showers are required.

Creating Barriers

- Proper training, preparation, equipment and safety procedures on LFL outings are required.
- No secret organizations, parents are welcome.
- Proper protective clothing is required according to activities.
- Discipline should be constructive and corporal punishment is never permitted.
- Hazing is not allowed.
- Youth leadership should be monitored and guidance given at all times by adults.

School and Classroom Leaders

- All Learning for Life meetings are conducted on campus. Any off campus Learning for Life trips must follow the Leadership Requirements for Trips and Outings requirements outlined above.
- Proper training should be given for all Learning for Life activities.
- Review the guidelines found in *Safety First* for conducting Learning for Life outdoor programs.

Fraternization Policy

- Because high school programs are designed for young adults, there are often little differences in the ages of the adult leaders and the participants. It has been found that maintaining a close social relationship, such as dating, between adult leaders and youth participants is disruptive and, therefore, is not permitted.

Step-by-Step Instructions

1. Make arrangements for a meeting place, and schedule the training.
2. Promote the training in your council newsletter, in announcements at roundtables, or by personal contact. There is a sample flier that can be duplicated and passed out at roundtables or other Scouting gatherings.
3. Obtain the following training materials from your council or district:
   "Youth Protection Training for Volunteer Leaders and Parents" DVD (Be sure to obtain the current version.)

Facilitator's Guide, www.scouting.org/training/youthprotection.aspx
The Youth Protection Quiz, which can be downloaded and printed from www.http://scouting.org/training/youthprotection.aspx or duplicated from this handout
Copies of the promotional flier
Your council's child abuse reporting procedures and contact information

4. Review the materials carefully and view the video.
5. Duplicate the handout materials, one set for each participant.
6. Review the local council's child abuse reporting procedures and become very familiar with them. The reporting procedures should be available through your council website in the Youth Protection Online Training segment of the site.
7. Conduct the training session.
8. Follow your council's procedures for recording attendance and reporting training participation.

Introduction to Training

Welcome to this session of "Youth Protection Training for Volunteer Leaders and Parents." This training is an important component of the Boy Scouts of America's strategy to protect youth from sexual abuse and other forms of mistreatment. Child abuse is a serious problem in American society. There are more than 3 million reported cases of child abuse each year, including a half-million reported cases of child sexual abuse. As the nation's largest youth-serving organization, the Boy Scouts of America has a significant opportunity to impact this societal problem. Our first priority is to take steps to protect our members when they are participating in the Scouting program. This education may also make an impact on abuse in the community by increasing the awareness of our leaders, youth members, and their families. This training emphasizes BSA youth protection policies to be used by all Scouting members and units. These policies protect the youth in the program, as well as our adult volunteers. During the video presentation, there will be two discussion periods that require participants to identify and apply the proper policies.

Training Session

The video we are about to view is the result of listening to suggestions made by BSA volunteers. The objectives for this training are to:

Help protect our youth members by rigorous use and enforcement of the Youth Protection Policies.

Inform our leaders of the BSA's Youth Protection Policies.

Maximize the protection of children by promoting prompt reporting of suspected abuse and violations of Youth Protection Policies.

Familiarize key leaders with BSA's Youth Protection resources and their intended use in unit programs.

While viewing the video, there will be two scenarios for discussion. After the video, we will discuss the child abuse reporting procedures. Let's watch the video. *(Start the video, "Youth Protection Training for Volunteer Leaders and Parents.")*

First Scenario

Pause the program when prompted on screen to do so. Restart the video when the discussion of the first scenario finishes.

This scenario depicts an adult leader who appears to be asking a youth to accompany him alone into the woods. Another adult leader points out that one-on-one situations are not allowed. The same adult is seen a few minutes later attempting the same thing with another youth.

Discussion Points

Why are one-on-one situations not allowed in the Scouting program?

Sexual abuse is much more likely to occur when the child is isolated with an offender. Additionally, even if no abuse takes place in such a setting, it increases the acceptance and "comfort" of the youth in being alone with an adult, which could be an attempt by the adult to "groom" the youth. The no one-on-one policy serves to protect our youth and adult members.

What should be done when a volunteer violates the policies after having them explained?

Even if no abuse occurs, leaders and other volunteers in Scouting must obey the rules. When they demonstrate an unwillingness to follow the rules, they must be expelled from the activity and reported to the person in charge of the activity and local Scout executive as soon as possible. The Scout executive will determine any follow-up action—up to and including revocation of membership in the BSA.

Is the strict enforcement of the Youth Protection Policies really necessary?

Yes, in order for youth protection to be meaningful, we must eliminate opportunities for abuse to be perpetrated. The BSA's Youth Protection Policies help limit the opportunities for abuse to occur.

Second Scenario

Pause the program when prompted on screen to do so. Restart the video when the discussion of the second scenario finishes.

In this scenario, we see a young man with a cell phone approaching a latrine. A short time later, the same young man is seen running out of the latrine looking at the view screen on his phone.

What happened?

Clearly the young man used the camera in his cell phone to invade the privacy of others in the latrine. This is a violation of the Youth Protection Policy regarding the use of digital devices in taking photos or videos where privacy is expected, and immediate intervention is called for.

What should the intervention be?

The first step is to confiscate the cell phone. Because of the ease of posting pictures on the Internet, confiscation should take place immediately; however, the pictures should not be deleted from the digital device. Concurrently, the adult leader must attempt to find out if the pictures have already been posted—if so, they should be deleted from the Internet. Deletion is no guarantee that all online copies will be destroyed.

Such an occurrence should be a learning opportunity for the young offender. The unit should also engage the parents of the youths involved. Most times that young people engage in this kind of behavior, they mean it as a harmless prank. Helping them appreciate the pain and embarrassment that such pictures can cause to the subjects of the pictures is part of the lesson to be taught.

Some young people act out of maliciousness or other motivations. The National Center for Missing and Exploited Children estimates that young people using cell phones, webcams, or other digital imaging devices produce nearly ten percent of the child pornography on the Internet.

What responses can the unit make to this kind of situation?

Depending upon the circumstances, the unit leadership has a range of responses available, from reprimanding the youth all the way to terminating his membership in the unit. This situation should be reported immediately to the person in charge of the activity and the Scout executive as soon as possible.

Reporting Procedures

After viewing the video portion of the training, there should be a discussion of the reporting procedures. The following points should be covered during this portion of the training:

Any suspicion or belief that any child is or has been physically, emotionally or sexually abused, exploited or exposed to any form of violence, threat, pornography or obscene material should be reported to local authorities **and** to the Scouting executive.

The reporting procedures are available through your council website in the Youth Protection Online Training segment of the site and/or from your council office.

The procedures for reporting child abuse during times the service center is closed particularly if they are not the same as during regular business hours.

The name and contact information for the person in the council responsible for receiving reports of child abuse. (It should be either the Scout executive or a professional staff member the Scout executive designates.)

Regardless of whether the child is in the Scouting program, the report should be made to the appropriate authorities.

Violations of youth protection policies must be reported to the council Scout Executive or to the professional staff member designated to receive these reports. This report must be made even if the violations may not constitute abuse.

Concluding the Training

When the video portion of the training has been completed, administer the printed Youth Protection quiz to participants. Review the correct answers with the group using the answer found at the back of this Facilitator's Guide. Address any questions from the participants. Record the names and information of all who attend and participate. Participants who successfully complete the session are certified as Youth Protection-trained.

Youth Protection Training Quiz

Please select the best answers to the following questions. Note that some questions may have more than one correct answer, but one particular answer in those cases is better than the other correct answers.

1. What happens to those who are reported as having violated a BSA Youth Protection policy?
A. Local Scout executive takes appropriate action
B. No action unless parent complains
C. Reviewed by the Scoutmaster
D. A or B, depending on the violation

2. Two-deep leadership requires both adults to be 21 years of age or older.
A. True
B. False

3. Which of the following is true about two-deep leadership?
A. One adult must be a registered leader
B. At least one registered leader and another adult are required on all Scouting trips and outings.
C. One of the leaders must be a parent of a participant
D. A and B

4. If parents give permission, the unit may conduct outings without adhering to the two-deep leadership policy.
A. True
B. False

5. It is okay for an adult leader to take a Scout on a walk alone while at camp?
A. True
B. False

6. Merit badge counselors are exempt from the no one-on-one policy since they have undergone criminal background checks.
A. True
B. False

7. Under what circumstances may the respect of privacy policy be suspended?
A. When youth are homesick
B. If youth ask specifically to speak to you alone
C. If the health or safety of a youth is compromised
D. All of the above

8. What should you do if you observe a youth taking inappropriate photos that could violate another's privacy?

A. Stop the behavior immediately.
B. Report the incident to the person in charge of the activity and the local Scout executive as soon as possible.
C. Confiscate the device and give it to the person in charge of the activity.
D. All of the above.

9. Scouts are permitted to sleep in the Scoutmaster's tent when camping, as long as more than one Scout sleeps in that tent.

A. True
B. False

10. Skinny-dipping is a violation of the Appropriate Attire policy.

A. True
B. False

11. The Boy Scouts of America does not allow any secret organizations as part of its program.

A. True
B. False

12. All aspects of the Scouting program are open to observation by parents and leaders.

A. True
B. False

13. Corporal punishment is permitted in the Scouting program under extreme circumstances.

A. True
B. False

14. What BSA Youth Protection policies create barriers against child molesters being able to groom their victims?

A. No one-on-one contact
B. Two-deep leadership
C. Criminal background checks
D. A and B

15. Light hazing in Scouting is permitted with full adult leader supervision.
A. True
B. False

16. Which of the following may be signs a Scout has been bullied?
A. Cuts and bruises
B. Nervousness around another particular Scout
C. Frequent absences
D. All of the above

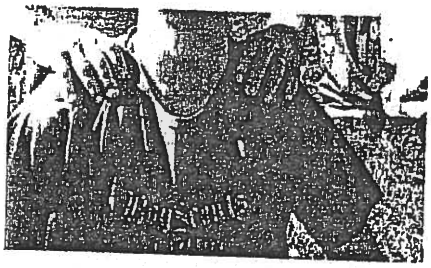
17. Adult leaders in Scouting and parents have an obligation to recognize and address bullying issues in Scouting.
A. True
B. False

18. What can you do as an adult leader or parent to create an anti-bullying culture?
A. Stop any bullying behavior immediately
B. Tell the bully his actions are unacceptable and must stop
C. Always model kind behavior
D. All of the above

19. Adult leaders and parents should address "cyber bullying" with the same urgency as physical bullying.
A. True
B. False

20. Youth leaders should administer constructive discipline—adhering to Scouting principles—when adult leaders are not present.
A. True
B. False

21. What should concern you about this picture?
A. Violates two-deep leadership
B. Violates no one-on-one contact
C. Might indicate grooming
D. All of the above



22. The membership of any adult or youth in the BSA may be revoked for violating which of the following membership responsibilities?

A. No physical violence, hazing, bullying or theft
B. No verbal insults
C. No drugs or alcohol
D. Any of the above

23. The chartered organization must approve the registration of every adult leader in all units chartered by the organization.

A. True
B. False

24. If you witness a violation of a Youth Protection policy, what should you do?

A. Report the violation to the person on site in charge of the activity and to the local Scout executive immediately.
B. Report the violation to the local police.
C. Wait 24 hours and see if the situation changes.
D. A and B

25. You must accept a youth's report of abuse at face value.

A. True
B. False

26. What should you do when you either suspect abuse or there is an indication of abuse?

A. Report your information to appropriate local authorities.
B. Report your information to the person in charge of the activity and to the local Scout executive immediately.
C. Sleep on the information for a couple of nights.
D. A and B

Youth Protection Training Quiz Answer Key

Correct answers in **bold.**

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D. A and B

NOTICE!

Youth Protection begins with you

YOUTH PROTECTION TRAINING

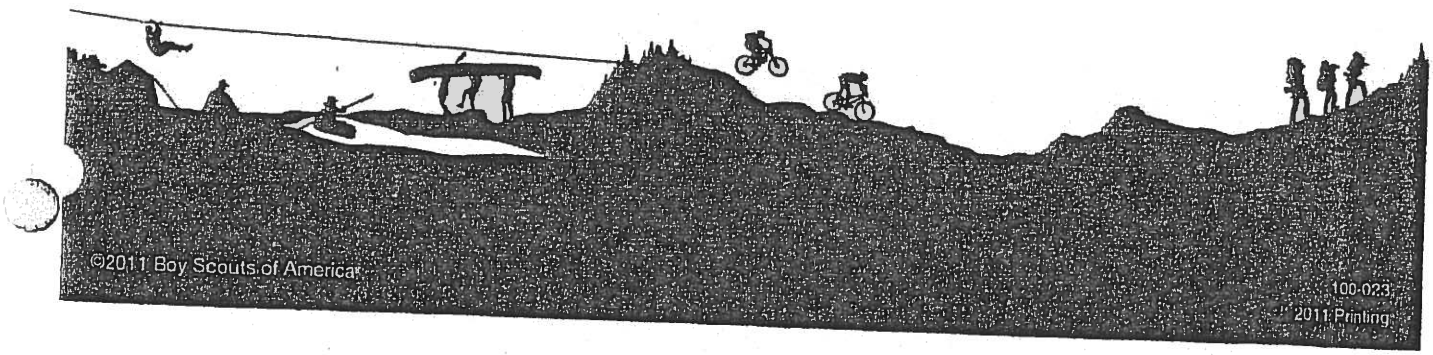
For Volunteer Leaders and Parents

Where:

When:

Who: All registered leaders and interested parents

Prepared. For Life.™



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BOY SCOUTS OF AMERICA®

Youth Protection

Protección Juvenil En Español

You do not have to be a registered member or have a member ID to take Youth Protection training.

To take Youth Protection training go to MyScouting.org and create an account.

From the MyScouting.org portal, click on E-Learning and take the Youth Protection training.

Upon completion, you may print a certificate of completion to submit with a volunteer application or submit the completion certificate to the unit leader for processing at the local council.

When your volunteer application is approved, you will receive a BSA membership card which includes your member ID number. After you receive your membership card, log back into MyScouting, click on My Profile and update the system by inputting your member ID number. This will link your Youth Protection training records, and any other training, in MyScouting to your BSA membership.

The Boy Scouts of America places the greatest importance on creating the most secure environment possible for our youth members. To maintain such an environment, the BSA developed numerous procedural and leadership selection policies and provides parents and leaders with resources for the Cub Scout, Boy Scout, and Venturing programs.

Leadership Selection

The Boy Scouts of America takes great pride in the quality of our adult leadership. Being a leader in the BSA is a privilege, not a right. The quality of the program and the safety of our youth members call for high-quality adult leaders. We work closely with our chartered organizations to help recruit the best possible leaders for their units.

The adult application requests background information that should be checked by the unit committee or the chartered organization before accepting an applicant for unit leadership. While no current screening techniques exist that can identify every potential child molester, we can reduce the risk of accepting a child molester by learning all we can about an applicant for a leadership position—his or her experience with children, why he or she wants to be a Scout leader, and what discipline techniques he or she would use.

Required Training

- **Youth Protection training is required for all BSA registered volunteers.**

- **Youth Protection training must be taken every two years. If a volunteer's Youth Protection training record is not current at the time of recharter, the volunteer will not be reregistered.**

Youth Protection Reporting Procedures for Volunteers

There are two types of Youth Protection–related reporting procedures all volunteers must follow:

- When you witness or suspect any child has been abused or neglected—See "Mandatory Report of Child Abuse" below.
- When you witness a violation of the BSA's Youth Protection policies—See "Reporting Violations of BSA Youth Protection Policies" below.

Mandatory Report of Child Abuse

All persons involved in Scouting shall report to local authorities any good-faith suspicion or belief that any child is or has been physically or sexually abused, physically or emotionally neglected, exposed to any form of violence or threat, exposed to any form of sexual exploitation, including the possession, manufacture, or distribution of child pornography, online solicitation, enticement, or showing of obscene material. You may not abdicate this reporting responsibility to any other person.

Steps to Reporting Child Abuse

1. Ensure the child is in a safe environment.
2. In cases of child abuse or medical emergencies, call 911 immediately. In addition, if the suspected abuse is in the Scout's home or family, you are required to contact the local child abuse hotline.
3. Notify the Scout executive or his/her designee.

Reporting Violations of BSA Youth Protection Policies

Find your local Scout executive.

If you think any of the BSA's Youth Protection policies have been violated, including those described within Scouting's Barriers to Abuse, you must notify your local council Scout executive or his/her designee so appropriate action can be taken for the safety of our Scouts.

Scouting's Barriers to Abuse

Scouting's Barriers to Abuse

The BSA has adopted the following policies for the safety and well-being of its members. While these policies are primarily for the protection youth members, they also serve to protect adult leaders. Refer to the Guide to Safe Scouting, contact your local council, or email youth.protection@scouting.org ✉ for more information.

- **Minimum two-deep leadership on all outings required.** Two registered adult leaders, or one registered leader and a parent of a participating Scout or other adult, one of whom must be 21 years of age or older, are required for all trips and outings. Appropriate adult leadership must be present for all overnight Scouting activities; coed overnight activities – even those including parent and child – require male and female adult leaders, both of whom must be 21 years of age or older, and one of whom must be a registered member of the BSA.
- **One-on-one contact between adults and youth members prohibited.** In any situation requiring a personal meeting, such as a Scoutmaster's conference, the meeting is to be conducted in view of other adults and youths.
- **Separate accommodations for adults and Scouts required.** When camping, no youth is permitted to sleep in the tent of an adult other than his or her own parent or guardian. Councils are strongly encouraged to have separate shower and latrine facilities for females. When separate facilities are not available, separate male and female shower times should be scheduled and posted. Likewise, youth and adults must shower at different times.
- **Privacy of youth respected.** Adult leaders must respect the privacy of youth members in situations such as changing clothes and taking showers at camp, and intrude only to the extent that health and safety require. Adults must protect their own privacy in similar situations.
- **Inappropriate use of cameras, imaging, or digital devices prohibited.** While most campers and leaders use cameras and other imaging devices responsibly, it has become very easy to invade the privacy of individuals. It is inappropriate to use any device capable of recording or transmitting visual images in shower houses, restrooms, or other areas where privacy is expected by participants.

- **No secret organizations.** The Boy Scouts of America does not recognize any secret organizations as part of its program. All aspects of the Scouting program are open to observation by parents and leaders.
- **No hazing.** Physical hazing and initiations are prohibited and may not be included as part of any Scouting activity.
- **No bullying.** Verbal, physical, and cyber bullying are prohibited in Scouting.
- **Youth leadership monitored by adult leaders.** Adult leaders must monitor and guide the leadership techniques used by youth leaders and ensure that BSA policies are followed.
- **Discipline must be constructive.** Discipline used in Scouting should be constructive and reflect Scouting's values. Corporal punishment is never permitted.
- **Appropriate attire for all activities.** Proper clothing for activities is required. For example, skinny-dipping or revealing bathing suits are not appropriate in Scouting.
- **Members are responsible to act according to Scout Oath and Law.** All members of the Boy Scouts of America are expected to conduct themselves in accordance with the principles set forth in the Scout Oath and Scout Law. Physical violence, theft, verbal insults, drugs, and alcohol have no place in the Scouting program and may result in the revocation of a Scout's membership.
- **Units are responsible to enforce Youth Protection Policies.** The head of the chartered organization or chartered organ-ization representative and the local council must approve the registration of the unit's adult leader. Adult leaders of Scouting units are responsible for monitoring the behavior of youth members and interceding when necessary. The parents of youth members who misbehave should be informed and asked for assistance.
- **Mandatory reporting of child abuse.** All involved in Scouting are personally responsible to immediately report to law enforcement any belief or good faith suspicion that any child is or has been abused or exploited or endangered in any way. No person may abdicate this reporting respon-sibility to any other person.
- **Social media guidelines.** The policy of two-deep leadership extends into cyberspace. Another adult leader should be copied on any electronic communication between adult and youth member.

Violations of any BSA's Youth Protection policies must immediately be reported to the Scout executive.

Digital Privacy

A key ingredient for a safe and healthy Scouting experience is the respect for privacy. Advances in technology are enabling new forms of social interaction that extend beyond the appropriate use of cameras or recording devices (see "Scouting's Barriers to Abuse"). Sending sexually explicit photographs or videos electronically or "sexting" by cell phones is a form of texting being practiced primarily by young adults and children as young as middle-school age. Sexting is neither safe, nor private, nor an approved form of communication and can lead to severe legal consequences for the sender and the receiver. Although most campers and leaders use digital devices responsibly, educating them about the appropriate use of cell phones and cameras would be a good safety and privacy measure. To address cyber-safety education, the BSA has introduced the age- and grade-specific Cyber Chip program, which addresses topics including cyberbullying, cell-phone use, texting, blogging, gaming, and identity theft. Check it out.

BSA Social Media Guidelines

The "three R's" of Youth Protection

The "three R's" of Youth Protection convey a simple message for the personal awareness of our youth members:

- **Recognize** situations that place you at risk of being molested, how child molesters operate, and that anyone could be a molester.
- **Resist** unwanted and inappropriate attention. Resistance will stop most attempts at molestation.
- **Report** attempted or actual molestation to a parent or other trusted adult. This prevents further abuse and helps to protect other children. Let the Scout know he or she will not be blamed for what occurred.

Key Resources

State Statutes on Child Welfare

Reporting requirements for child abuse differ from state to state. The Child Welfare Information Gateway provides access to information and resources on a variety of topics, including state statutes on child abuse. This site is not operated by the Boy Scouts of America.

Guide to Safe Scouting

The purpose of the *Guide to Safe Scouting* is to prepare adult leaders to conduct Scouting activities in a safe and prudent manner.

It Happened to Me: Cub Scout Meeting Guide

Video Facilitator Guides. A sample letter to parents and guardians as well as English and Spanish meeting guides for facilitators' use when showing the age-appropriate sexual abuse prevention video.

A Time to Tell: Troop Meeting Guide

Video Facilitator Guides. English and Spanish meeting guides for facilitators' use when showing the age-appropriate sexual abuse prevention video.

Personal Safety Awareness Meeting Guide (Venturing Program)

Video Facilitator Guides. A sample letter to parents and guardians as well as English and Spanish meeting guides for facilitators' use when showing the age-appropriate sexual abuse prevention video.

Youth Protection Training Facilitators Guide

Video Facilitator Guides.

Cyber Chip

To help families and volunteers keep youth safe while online, the BSA introduces the Cyber Chip. The Scouting portal showcasing Cyber Chip resources includes grade-specific videos for each level.

Youth Protection Champions

To address the need for Youth Protection–specific volunteers at all levels, the BSA has implemented its new Youth Protection Champions program. These volunteer champions will be the key drivers of Youth Protection at their assigned levels.

Camp Leadership ... A Guide for Camp Staff and Unit Leaders

Brochure for unit leaders and camp staff who are responsible for providing a safe and healthy camp setting where Scouts are free from the worries of child abuse.

ScoutHelp

Support is available for victims of past abuse.

Youth Protection Mission Statement

True youth protection can be achieved only through the focused commitment of everyone in Scouting. It is the mission of Youth Protection volunteers and professionals to work within the Boy Scouts of America to maintain a culture of Youth Protection awareness and safety at the national, regional, area, council, district, and unit levels.

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Exploring®

Learning for Life

Youth Protection Training Course Completion Certificate

for

Kenneth R. Betts

Post Number: 259

Date: 12/9/2012

Youth Protection Reporting Procedures for Volunteers

There are two types of Youth Protection–related reporting procedures all volunteers must follow:

- When you witness or suspect any child has been abused or neglected—See "Mandatory Report of Child Abuse" below.
- When you witness a violation of the BSA's Youth Protection policies—See "Reporting Violations of BSA Youth Protection Policies" below.

Mandatory Report of Child Abuse

All persons involved in Scouting shall report to local authorities any good-faith suspicion or belief that any child is or has been physically or sexually abused, physically or emotionally neglected, exposed to any form of violence or threat, exposed to any form of sexual exploitation, including the possession, manufacture, or distribution of child pornography, online solicitation, enticement, or showing of obscene material. You may not abdicate this reporting responsibility to any other person.

Steps to Reporting Child Abuse

1. Ensure the child is in a safe environment.
2. In cases of child abuse or medical emergencies, call 911 immediately. In addition, if the suspected abuse is in the Scout's home or family, you are required to contact the local child abuse hotline.
3. Notify the Scout executive or his/her designee.

Find your local Scout executive. (/discover/local-council-locator)

The Incident Information form can be accessed here (https://filestore.scouting.org/filestore/pdf/680-676_WEB.pdf).

For more information on incident reporting, **click here (/health-and-safety/incident-report).**

Reporting Violations of BSA Youth Protection Policies

If you think any of the BSA's Youth Protection policies have been violated, including those described within Scouting's Barriers to Abuse, you must notify your local council Scout executive or his/her designee so appropriate action can be taken for the safety of our Scouts.

Scouting's Barriers to Abuse

The BSA has adopted the following policies for the safety and well-being of its members. These policies primarily protect youth members; however, they also serve to protect adult leaders. Parents and youth using these safeguards outside the Scouting program further increase the safety of their youth. Those who serve in positions of leadership and supervision with youth outside the Scouting program will find these policies help protect youth in those situations as well.

Two-deep leadership is required on all outings.. A minimum of two registered adult leaders—or one registered leader and a participating Scout's parent or another adult—is required for all trips and outings. One of these adults must be 21 years of age or older.

> ***Patrol Activities***
>
> TThere are instances, such as patrol activities, when the presence of adult leaders is not required and adult leadership may be limited to patrol leadership training and guidance. With proper training, guidance, and approval by troop leaders, the patrol can conduct day hikes and service projects.
>
> ***Adult Supervision/Coed Activities***
>
> Male and female adult leaders must be present at all overnight coed Scouting trips and outings, even those for parents and children. All male and female adult leaders must be 21 years of age or older, and one must be a registered member of the BSA.

One-on-one contact between adults and youth members is prohibited. . In situations requiring a personal conference, such as a Scoutmaster conference, the meeting is to be conducted with the knowledge and in view of other adults and/or youth.

The policies of two-deep leadership and no one-on-one contact between adults and youth members also apply to digital communication. Leaders may not have one-on-one private online communications or engage one-on-one in other digital activities (games, social media, etc.) with youth members. Leaders should copy a parent and another leader in digital and online communication, ensuring no one-on-one contact takes place in text, social media, or other forms of online or digital communication.

Age-appropriate and separate accommodations for adults and Scouts are required.

Tenting

No adult may share a tent with a member of the opposite sex unless that person is his or her spouse.

No youth may share a tent with an adult or a person of the opposite sex other than a family member or guardian. Assigning youth members more than two years apart in age to sleep in the same tent should be avoided unless the youth are relatives.

Shower Facilities

Whenever possible, separate shower and latrine facilities should be provided for male and female adults as well as for male and female youth. If separate facilities are not available, separate shower times should be scheduled and posted.

The buddy system should be used at all times. The buddy system is a safety measure for all Scouting activities. Buddies should know and be comfortable with each other. Buddies should be strongly encouraged to select each other, with no more than two years' age difference and the same level of maturity. When necessary, a buddy team may consist of three Scouts. No youth should be forced into or made to feel uncomfortable in a buddy assignment.

Privacy of youth is respected. Adult leaders and youth must respect each other's privacy, especially in situations such as changing clothes and taking showers at camp. Adults may enter changing or showering areas for youth only to the extent that health and safety requires. Adults must protect their own privacy in similar situations.

Inappropriate use of smart phones, cameras, imaging, or digital devices is prohibited. Although most Scouts and leaders use cameras and other imaging devices responsibly, it is easy to unintentionally or inadvertently invade the privacy of other individuals with such devices. The use of any device capable of recording or transmitting visual images in or near shower houses, restrooms, or other areas where privacy is expected is inappropriate.

No secret organizations. The BSA does not recognize any secret organizations as part of its program. All aspects of the Scouting program are open to observation by parents and leaders.

Youth leadership is monitored by adult leaders. Adult leaders must monitor and guide the leadership techniques used by youth leaders and ensure BSA policies are followed.

Discipline must be constructive. Discipline used in Scouting must be constructive and reflect Scouting's values. Corporal punishment is never permitted. Disciplinary activities involving isolation, humiliation, or ridicule are prohibited. Examples of positive discipline include verbal praise and high fives.

Appropriate attire is required for all activities.

No hazing. Hazing and initiations are prohibited and may not be included as part of any Scouting activity.

No bullying. Verbal, physical, and cyberbullying are prohibited in Scouting.

Mandatory Reporting of Child Abuse
All persons involved in Scouting must report to local authorities any good-faith suspicion or belief that any child is or has been physically or sexually abused, physically or emotionally neglected, exposed to any form of violence or threat, or exposed to any form of sexual exploitation including the possession, manufacture, or distribution of child pornography, online solicitation, enticement, or showing of obscene material. The reporting duty cannot be delegated to any other person.
Immediately notify the Scout executive of this report, or of any violation of BSA's Youth Protection policies, so he or she may take appropriate action for the safety of our Scouts, make appropriate notifications, and follow up with investigating agencies.

State-by-state mandatory reporting information: **www.childwelfare.gov (http://www.childwelfare.gov)**

All adult leaders and youth members have responsibility. Everyone is responsible for acting in accordance with the Scout Oath and Scout Law. Physical violence, sexual activity, emotional abuse, spiritual abuse, unauthorized weapons, hazing, discrimination, harassment, initiation rites, bullying, cyberbullying, theft, verbal insults, drugs, alcohol, and pornography have no place in the Scouting program and may result in revocation of membership. For more information, please see the BSA's *Guide to Safe Scouting* and Youth Protection resources.

Units are responsible to enforce Youth Protection policies. Adult leaders in Scouting units are responsible for monitoring the behavior of youth members and other leaders and interceding when necessary. If youth members misbehave, their parents should be informed and asked for assistance.

The following incidents require an immediate report to the Scout executive:

- Any threat or use of a weapon
- Any negative behavior associated with race, color, national origin, religion, sexual orientation, or disability
- Any situation where the BSA's Mandatory Reporting of Child Abuse policy or your state's mandatory reporting of child abuse laws apply
- Any abuse of a child that meets state reporting mandates for bullying or harassment
- Any mention or threats of suicide

If someone is at immediate risk of harm, call 911.

If a Scout is bullied because of race, color, national origin, religion, sexual orientation, or disability, and local help is not working to solve the problem, contact the BSA's Member Care Contact Center at 972-580-2489, or send an email to **youth.protection@scouting.org (mailto:youth.protection@scouting.org)**.

Download the Volunteer Incident Report Form (https://filestore.scouting.org/filestore/pdf/680-676_WEB.pdf)

Your Responsibility

- Stop the policy violation or abuse.
- Protect the youth.
- Separate alleged victim(s) from alleged perpetrator(s).
- Summon needed assistance (911, EMS, additional leaders, etc.).
- Notify parents.
- Notify the appropriate Scouting professional.

Chartered Organization Responsibility

The head of the chartered organization or chartered organization representative and their committee chair must approve the registration of the unit's adult leaders.

Youth Protection Infographic (https://www.scouting.org/wp-content/uploads/2018/02/BSA_YP_Infographic_FINAL_2-6-18.pdf)
Download (https://www.scouting.org/wp-content/uploads/2018/02/BSA_YP_Infographic_FINAL_2-6-18.pdf) the BSA's Youth Protection infographic to see how Scouting's barriers to abuse help keep youth safe.

Local Council Locator (/discover/local-council-locator)

Download the Bullying Prevention Guide (https://filestore.scouting.org/filestore/training/pdf/BullyingPreventionGuide.pdf)

Digital Privacy

A key ingredient for a safe and healthy Scouting experience is the respect for privacy. Advances in technology are enabling new forms of social interaction that extend beyond the appropriate use of cameras or recording devices (see "Scouting's Barriers to Abuse"). Sending sexually explicit photographs or videos electronically or "sexting" by cell phones is a form of texting being practiced primarily by young adults and children as young as middle-school age. Sexting is neither safe, nor private, nor an approved form of communication and can lead to severe legal consequences for the sender and the receiver. Although most campers and leaders use digital devices responsibly, educating them about the appropriate use of cell phones and cameras would be a good safety and privacy measure. To address cyber-safety education, the BSA has introduced the age- and

grade-specific Cyber Chip program, which addresses topics including cyberbullying, cell-phone use, texting, blogging, gaming, and identity theft. **Check it out (/training/youth-protection/cyber-chip).**

BSA Social Media Guidelines

Key Resources

State Statutes on Child Welfare (https://www.childwelfare.gov/topics/systemwide/laws-policies/state/)
Reporting requirements for child abuse differ from state to state. The Child Welfare Information Gateway provides access to information and resources on a variety of topics, including state statutes on child abuse. This site is not operated by the Boy Scouts of America.

Guide to Safe Scouting (/health-and-safety/gss)
The purpose of the *Guide to Safe Scouting* is to prepare adult leaders to conduct Scouting activities in a safe and prudent manner.

How to Protect Your Children From Child Abuse: A Parent's Guide
These booklets are a basic resource to help parents understand how child abuse happens and keep their children safe. Exercises for parents and children are included. Several versions of the booklets are available:

- **For Cub Scouts and their parents (https://filestore.scouting.org/filestore/pdf/100-014_WEB.pdf)**
- **For Cub Scouts and their parents (in Spanish) (https://filestore.scouting.org/filestore/pdf/100-073.pdf)**
- **For Boy Scouts and their parents (https://filestore.scouting.org/filestore/pdf/100-015(15)_WEB.pdf)**
- **For Boy Scouts and their parents (in Spanish) (https://filestore.scouting.org/filestore/pdf/100-016_web.pdf)**
- **For STEM Scouts and their parents (https://filestore.scouting.org/filestore/pdf/STEM_Guide.pdf)**

It Happened to Me: Cub Scout Meeting Guide (/training/youth-protection/cub-scout)
Video Facilitator Guides. A sample letter to parents and guardians as well as English and Spanish meeting guides for facilitators' use when showing the age-appropriate sexual abuse prevention video.

A Time to Tell: Troop Meeting Guide (/training/youth-protection/boy-scout)
Video Facilitator Guides. English and Spanish meeting guides for facilitators' use when showing the age-appropriate sexual abuse prevention video.

Personal Safety Awareness Meeting Guide (/training/youth-protection/venturing) (Venturing Program)
Video Facilitator Guides. A sample letter to parents and guardians as well as English and Spanish meeting guides for facilitators' use when showing the age-appropriate sexual abuse prevention video.

Youth Protection Training Facilitators Guide (https://filestore.scouting.org/filestore/pdf/100-023_WB.pdf)
Video Facilitator Guides.

Cyber Chip (/training/youth-protection/cyber-chip)
To help families and volunteers keep youth safe while online, the BSA introduces the Cyber Chip. The Scouting portal showcasing Cyber Chip resources includes grade-specific videos for each level.

Bullying Awareness (/training/youth-protection/bullying)
These fact sheets will help with bullying awareness and direct you to resources provided by the BSA and other entities we work with to protect children.

Youth Protection Champions (/training/youth-protection/yp-champions)
To address the need for Youth Protection–specific volunteers at all levels, the BSA has implemented its new Youth Protection Champions program. These volunteer champions will be the key drivers of Youth Protection at their assigned levels.

Camp Leadership ... A Guide for Camp Staff and Unit Leaders (https://filestore.scouting.org/filestore/pdf/623-127.pdf)
Brochure for unit leaders and camp staff who are responsible for providing a safe and healthy camp setting where Scouts are free from the worries of child abuse.

ScoutHelp
Support is available for victims of past abuse.

NEW Youth-on-Youth Training Materials

The Boy Scouts of America places the greatest importance on creating the safest environment possible for our youth members. To that end, BSA's ScoutingU has created some additional Youth Protection training to professionals, volunteers, and leaders

regarding the prevention of youth-on-youth incidents that might occur within the context of Scouting, especially in a camping or overnight setting. It is designed to help prepare adult leaders to prevent and appropriately respond to these incidents.

This informational document with an accompanying PowerPoint presentation for BSA leaders, parents, volunteers, and professionals should be delivered at the council, district, or unit level by a Youth Protection Champion, training chair, district chair, district executive, or other appropriate Scout leader to leaders for camping and overnight activities.

Suggested training opportunities include:

- Existing facilitator-led Youth Protection training sessions
- Pre-camp leaders' meetings for summer camp and first-time leaders' meetings at all outings
- Camp schools
- Scout executives' and district executives' trainings on responding to youth protection incidents
- Other training events that include the "Youth Protection Training for Volunteer Leaders and Parents" DVD

Youth-On-Youth Training Facilitator's Guide
(https://filestore.scouting.org/filestore/pdf/Youth_on_Youth_Facilitators_Guide.pdf)
Youth-On-Youth Training (https://filestore.scouting.org/filestore/ppt/Youth_on_Youth.pptx)

 (https://www.facebook.com/theboyscoutsofamerica/?fref=ts)

 (https://twitter.com/boyscouts)

 (https://www.instagram.com/boyscoutsofamerica/)


(https://www.pinterest.com/boyscouts/)

(https://www.youtube.com/user/BSA100years)

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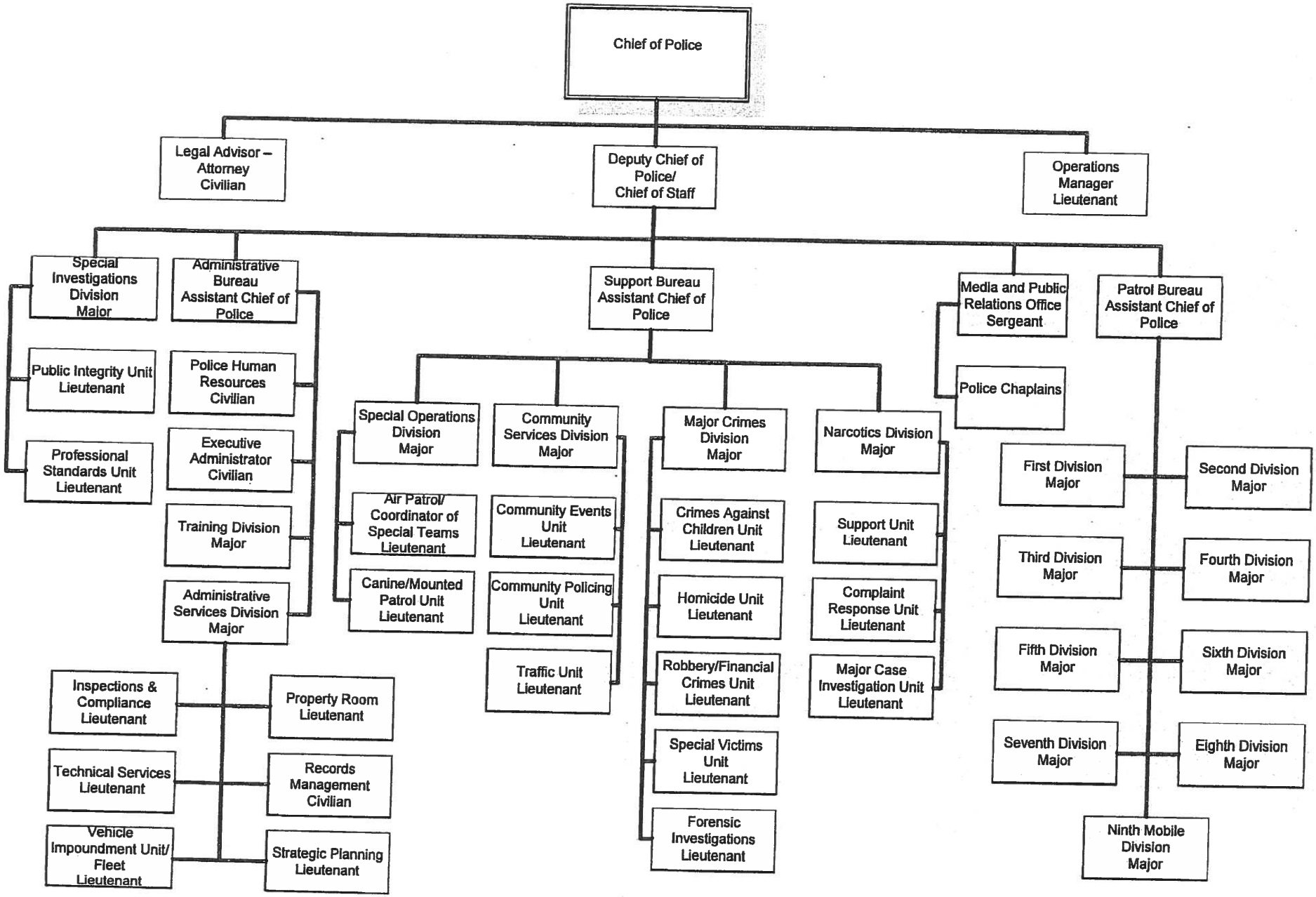
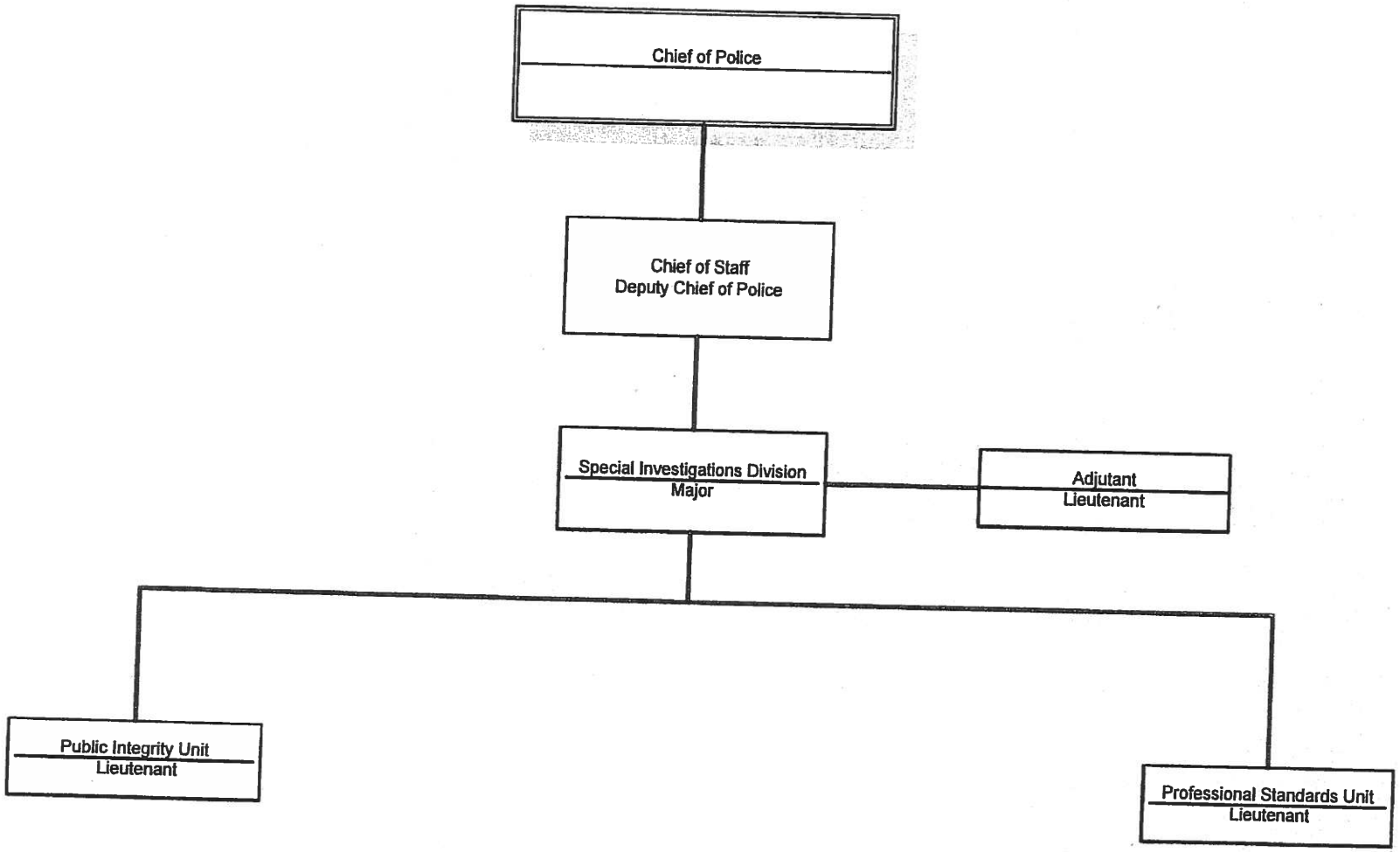
EXHIBIT 4

Louisville Metro Police Department
Organizational Chart



Revised 01/17

Louisville Metro Police Department
Special Investigations Division Organizational Chart



Revised 09/12
Reviewed 09/30/15

EXHIBIT 5

SPECIAL INVESTIGATIONS DIVISION

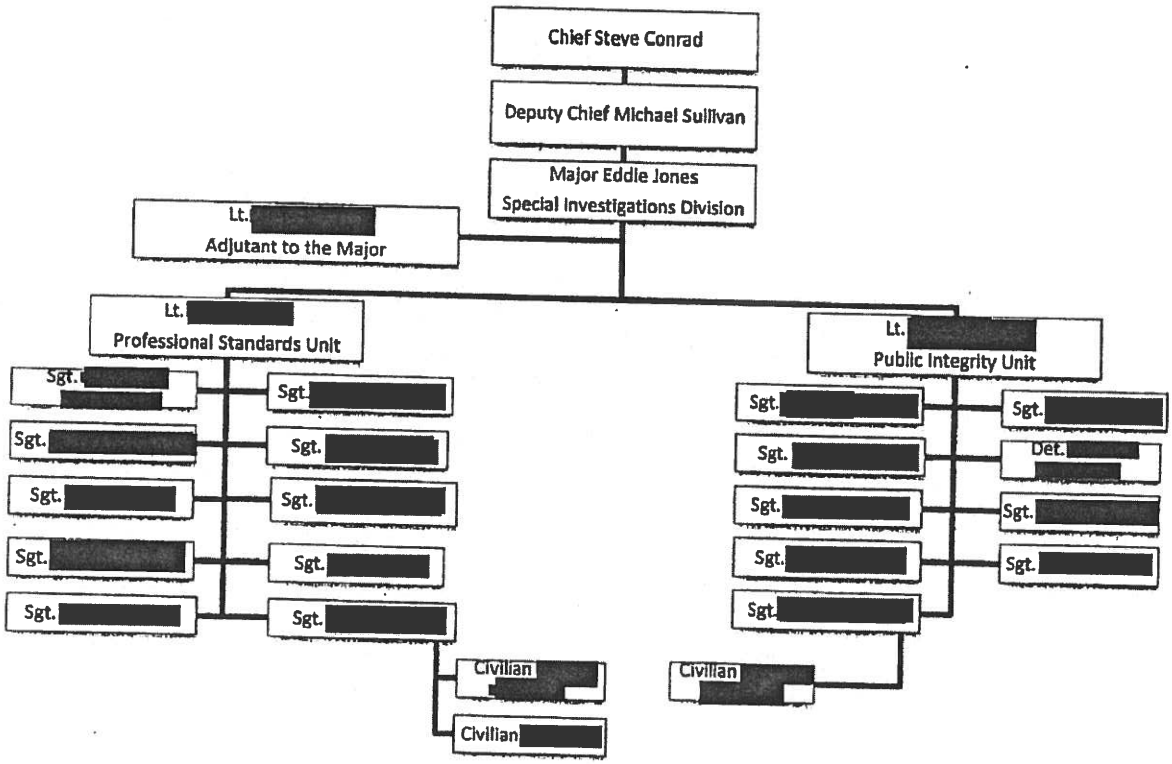
Organization

The Special Investigations Division (SID) Commander of the Louisville Metro Police Department (LMPD) is appointed by the Chief of Police and reports directly to the Deputy Chief of Police/Chief of Staff. The Special Investigations Division Commander holds the rank of Major. The current commander of SID is Major Eddie Jones. Major Jones has been in command of SID since April 2016.

The SID Commander coordinates the activities of the following units

- Public Integrity Unit (PIU)
- Professional Standards Unit (PSU)

Louisville Metro Police Department
Special Investigations Division Organizational Chart



Public Integrity Unit

The primary responsibility of the Public Integrity Unit is to conduct investigations of alleged criminal activity or corruption involving members of the Louisville-Jefferson County Metro Government. The outcome of these investigations may result in criminal and/or administrative charges being brought against employees.

The secondary responsibility of the Public Integrity Unit, as part of the Special Investigations Division, is to conduct any investigations deemed necessary by the Chief of Police; and at the direction of the Chief of Police, which may be of a sensitive nature and/or may affect the public's trust.

Additionally, the Public Integrity Unit may investigate critical incidents and/or criminal allegations against employees of other law enforcement agencies who have entered into a Memorandum of Agreement between that agency and the Louisville Metro Police Department with the approval of the Chief of Police.

The goal of the investigative process is to ensure that members suspected of wrongdoing receive a fair investigation and that the support and confidence of the public is not abused.

Functions of the Public Integrity Unit

A. The Public Integrity Unit is responsible for maintaining records of all criminal allegations received, dispositions of investigations, and final actions taken as a result of these allegations and/or the findings of a subsequent investigation.

B. The Public Integrity Unit will coordinate with the County Attorney's Office, the Commonwealth Attorney's Office, and the U.S. Attorney's Office on matters concerning possible criminal charges being leveled against members of the Louisville-Jefferson County Metro Government as a result of investigations conducted by the Public Integrity Unit.

C. Inquiries from the media regarding Public Integrity Unit concerns will be referred to the Public Information Office.

D. The Public Integrity Unit is directed to:

1. Investigate officer-involved shootings resulting in injury or death.
2. Investigate officer-involved use of force actions resulting in death or serious physical injury.
3. Investigate incidents of the discharge of a firearm by an officer when the intention is to use deadly force.
4. Investigate incidents of the discharge of a firearm by the public with the intention to harm officers.
5. Investigate incidents resulting in death or serious physical injury to persons while in the custody of the Louisville Metro Police Department or the Louisville Metro Corrections Department.

6. Investigate traffic deaths or serious physical injuries resulting from police pursuits or other officer-involved traffic collisions.

7. Accept, record, and investigate allegations of felony criminal activity/corruption against Louisville-Jefferson County Metro Government employees.

8. Monitor the criminal proceedings involving charges against any sworn member of the Louisville Metro Police Department.

9. Conduct thorough, confidential, accurate, and impartial investigations completed to a logical conclusion.

10. Maintain the confidentiality of all Public Integrity Unit investigations and records.

Organization

The Public Integrity Unit is a component of the Louisville Metro Police Department. The Public Integrity Unit is commanded by a Lieutenant who is responsible for the overall operation and administration of the unit and supervision of all members of the unit. The current commander of PIU is Lt. Kevin Despain. Lt. Despain has been in command PIU since September 2014.

The Public Integrity Unit through its Commanding Officer, reports to the commander of the Special Investigations Division. The Unit Commander will keep the Division Major informed of all Public Integrity Unit investigations.

All LMPD investigators assigned to the Public Integrity Unit will be commanding officers holding the rank of Sergeant.

PIU Investigators may be assigned to the Federal Bureau of Investigation (FBI) as a member of the Task Force to investigate political corruption. Assignment to the Task Force is based on the needs of the Federal Bureau of Investigation, and coordinated by the PIU Commander. A Federal background check resulting in a successful security clearance is required.

Confidentiality

Confidentiality is essential to the success of the Public Integrity Unit. By maintaining the confidentiality of all investigations, those members of the Louisville-Jefferson County Metro Government who are falsely accused need not have their character impugned without cause. Members of the Public Integrity Unit will maintain the confidentiality of all records and information, both oral and written.

Information relating to an investigation will not be released to anyone without the explicit permission of the Public Integrity Unit Commander, Special Investigations Division Commander, Legal Advisor, or Chief of Police/Deputy Chief.

Officers with special investigative knowledge or experience may be called upon to assist the Public Integrity Unit in a specific investigation. Officers assisting the unit will report all findings and conclusions in the investigation directly to the Public Integrity Unit Commander and all information will be held in the strictest of confidence.

Case files will be maintained in a secure area at all times.

Types of investigations handled by the Public Integrity Unit include, but are not limited to:

- Critical Incidents (Officer Involved Shootings, In-Custody Deaths, on-duty Officer involved Traffic Fatalities)
- Sexual Assaults / Sexual Misconduct
- Assaults
- Domestic Violence
- Thefts
- Narcotics
- Official Misconduct
- Corruption
- "Shadow" Cases (arrests of Metro Employees by other units or other agencies / jurisdictions)
- Special Assignments (as directed by the Chief of Police)

Processing Allegations / Complaints

Complaints of criminal activity will be forwarded to the Public Integrity Unit through the Special Investigations Division Commander and or the PIU Commander. The following are examples of how criminal allegations and/or complaints may be received:

- Net Claims (Ethics Tip line)
- Chief's Initiation
- Direct Citizen Complaints (telephone calls, email, letters, etc.)
- LMPD Division Referrals
- LMPD Division Call-Outs
- Metro Government Department Heads (Directors)
- Media Outlets (television news, radio news, newspaper)
- Miscellaneous (social media, etc.)
- At the request of another agency

The Special Investigations Division Commander and/or the PIU Commander will review the complaint to determine if the investigation should be investigated by the Public Integrity Unit.

Upon determination and/or direction to conduct an investigation, the matter will be assigned a distinctive sequential case number and will be logged into the Public Integrity Unit computerized case tracking database

Disposition of PIU cases will be designated in the following manner once the case is determined to be CLOSED by the Special Investigations Division Commander and/or PIU Commander:

- ***CLOSED / Unfounded*** - the allegation is false or has no merit.
- ***CLOSED / Exonerated*** - the incident occurred, but was within the guidelines of local, state, and federal laws.
- ***CLOSED / Unable to Substantiate Allegations*** - all investigative leads have been exhausted. The case will remain suspended until further information is received to warrant the case being re-opened.
- ***CLOSED / with Prosecution*** – The investigation resulted in the suspect being prosecuted in court. The results of the prosecution will be clearly documented, indicating adjudication and verdicts.
- ***CLOSED / Prosecution Declined*** – The investigation was presented to the Commonwealth's Attorney's Office and/or the County Attorney's Office; but was declined prosecution.

- ***CLOSED / by Exception*** – This disposition may be utilized when the investigation is a PIU "Shadow" case of an investigation conducted by another agency or division, in which the subject of the investigation has ceased their employment by Louisville Metro Government, and there is no longer a need to monitor the outcome of the investigation.
- Except in rare instances, this disposition will not be utilized for investigations originating by a PIU investigation, except in the event the case was conferenced as a stipulation of a plea agreement in another case by a prosecutor.

The Lead Investigator and/or the PIU Commander will apprise the Special Investigations Division Commander and/or the Chief of Police/Deputy Chief of the allegation and facts prior to any enforcement action

If probable cause exists to merit prosecution for a crime, the Special Investigations Division Commander and/or PIU Commander, along with the assigned investigators will meet with the appropriate prosecutor's office to discuss the allegation and investigation to determine the next course of action.

Once a PIU investigations is complete, it can then be sent to the Professional Standards Unit for investigation to determine if there are any violations of LMPD policies.

Professional Standards Unit

The Professional Standards Unit of the Louisville Metro Police Department is entrusted with the responsibility of thoroughly and fairly investigating alleged misconduct by members of the Department. It is the goal of the Professional Standards Unit to conduct these investigations based on witness statements and/or physical evidence. These administrative investigations must supply the Chief of Police with reasonable and defensible evidence upon which to base his findings and conclusions and implement appropriate disciplinary measures, when necessary. All Professional Standards Unit investigations and operations will be conducted in accordance with the law, contractual agreements, the Standard Operating Procedures of the Louisville Metro Police Department and the policies and procedures of the Professional Standards Unit.

DUTIES AND RESPONSIBILITIES

The Professional Standards Unit is a component of the Special Investigations Division, which reports directly to the Deputy Chief (Chief Of Staff). The primary function of the Professional Standards Unit is to investigate allegations of 'administrative' violations of Department rules, policies and procedures. It is also accountable for records retention and maintenance of the Department's complaint and disciplinary history files for all members of the Department. The Professional Standards Unit also serves as the repository for the Department's Administrative Incident Report Forms. In addition to 'administrative' investigations, at the discretion of the Chief of Police, the Professional Standards Unit will review investigations of alleged criminal conduct by members of the Department for administrative violations. The Professional Standards Unit will also review all 'Critical Incident Investigations' (e.g. Use of Deadly Force, Deaths to Persons as Result of Police Actions, etc.) involving members of the Department, following an investigation by the Public Integrity Unit.

Organization and Staffing

The Professional Standards Unit is comprised of the following personnel:

- 1 – Unit Commander, rank of Lieutenant
- 10 – Investigators, rank of Sergeant
- 1 – Unit Administrative Assistant, rank of Sergeant
- 1 – Drug/Substance Testing Administrator, rank of Sergeant
- 1 – Information Processing Technician / Secretary, civilian employee
- 1 – Transcriber, civilian employee

Lieutenant, Commander:

The Lieutenant of the Professional Standards Unit reports to the Special Investigations Division Major. The Lieutenant is responsible for the overall, efficient operation of the unit. The commander may participate in unit investigations or conduct his/her own investigation at his/her discretion. The current commander of PSU is Lt. Larry Suttles. Lt. Suttles has been commander of PSU since March 2017.

Sergeant, Investigator:

The Professional Standards Unit Investigator reports to the Commander of the Professional Standards Unit. Investigators have extensive contact with citizens and are expected to perform their duties with the highest sensitivity. Investigators serve as an avenue for citizens to remedy allegations of police misconduct and they represent both the community and the Louisville Metro Police Department in this endeavor.

The following are examples of the Investigators' responsibilities:

- Conducts thorough, complete and impartial administrative investigations into allegations of police misconduct or rules/policy violations. This is done in compliance with KRS 67C.326, Departmental S.O.P., Unit S.O.P., and contractual agreements.
- Fields complaints from citizens, via telephone calls or in person – office visitors.
- Assigned to cover in-coming complaints and concerns to the Office on a rotating basis.
- Seeks to attend advanced training in the specialized field of Professional Standards / Internal Affairs.
- Testifies at Louisville Merit Board Hearings in cases of accused employee appeals.

Sergeant, Drug/Substance Testing Administrator:

The Drug/Substance Testing Administrator reports to the Unit Commander. He/she performs office and administrative duties pertaining to the drug/substance testing of members of the Louisville Metro Police Department as well as assists the other members of the unit. The following are examples of the Drug/Substance Testing Administrator's responsibilities:

- Coordinates and oversees the departmental drug/substance test activities pursuant to current Collective Bargaining Agreement. Tasks include exam selections, distribution of test packets and recording of test results.
- Maintains all records relating to drug/substance testing. This is done by physical possession and organization of the records and by electronic organization via data entry into current Professional Standards Unit software database.
- Performs the duties as the Liaison between the Louisville Metro Police Department and Occupational Physicians Services.

Unit Procedures

Definitions:

A complaint can be defined as an allegation of circumstances amounting to a specific act or omission by an employee which, if proven true, would constitute a violation of law or a violation of the Louisville Metro Police Department's Standard Operating Procedures

Misconduct can be defined as the following:

- Commission of a criminal act.
- Neglect of duty.
- Violation of any Departmental policy, procedure, rule, regulation, core value or training standard.
- Conduct which may reflect unfavorably upon the employee and/or the Department.

When a complaint or allegation arises in the Professional Standards Unit, it can be handled 'Formally' or 'Informally'. The remainder of this section illustrates both of these processes.

When a citizen calls or visits the Professional Standards Unit with a complaint, PSU personnel will intently listen to their concerns. If a possible violation has been described, then they will explain the complaint processes to the citizen and allow them to choose either a formal investigation or informal avenues of resolution.

Informal Investigative Process

Informal Complaints may be handled by the District or Unit Commander. They may also come from PSU on a Citizens Observation Form. Informal complaints normally involve "just wanted someone to know" complaints.

Formal Investigative Process

This section describes, more specifically, the process of an administrative investigation of a complaint of alleged misconduct by a member of the Louisville Metro Police Department.

Formal allegations of misconduct or complaints can be originated by only 2 methods: by a citizen completing a sworn affidavit, or by an order of the Chief of Police. All administrative complaints pertaining to members of the Louisville Metro Police Department will be documented on a Complainant Affidavit (PSU-016) or on a Chief's Initiation Letter. These documents will be forwarded to the Professional Standards Unit Commander for initial review and investigator assignment.

Initiation of Investigation

Administrative investigations can only be opened by one of two ways. A citizen can sign and swear to an affidavit of complaint (PSU-016) in front of a Professional Standards Unit Investigator, who is a notary public. In unusual circumstances, PSU can accept a signed/sworn to affidavit of complaint that has been witnessed by any notary public and sent in (complainant is in prison, or out of town, etc.). However, every attempt will be made to obtain the affidavit of complaint in person by a PSU investigator. The LMPD has begun utilizing an online complaint affidavit form which can be filled out and submitted electronically or printed and notarized by a public notary before delivery to the PSU. The website has detailed instructions for the citizen to follow and details the process for them. The second method of origination is by an order

of the Chief of Police to initiate an investigation. The Chief's initiation letter outlines to the Commander of Professional Standards who is to be investigated and for what specific allegations.

Assignment of Cases

The Commander of PSU will assign the case to one of the Unit Investigators on a rotating basis. This policy need not be followed should a conflict of interest exists between the investigator and the accused employee. The Chief of Police, the Special Investigations Division Commander or the Professional Standards Unit Commander may select a specific investigator to handle an investigation at their discretion. Also, the Unit Commander has the authority to deviate from any rotation schedule based upon the merits of each investigation. Each case is assigned a sequential 'case number' and also entered into a master complaint logbook. The Administrative Assistant enters the case into the complaint database.

File Preparation by Unit Secretary

After the Unit Commander assigns the case to an Investigator, the Unit Secretary prepares the initial documents that the Investigator will need and the documents maintained by the Professional Standards Unit. Examples are: notification letter to the citizen, notification letter to the employee's unit commander, 48-hour notices, case file tracking record, case location form, complainant and accused employee index cards for file.

Duties of the Investigator

The Professional Standards Unit Investigator is responsible for conducting a thorough, complete and unbiased investigation. His/her duties are to gather all possible evidence and statements in order to fairly and impartially evaluate the totality of circumstances surrounding the complainant's allegations of employee misconduct. Investigators perform this task by gathering all documentation, statement interviews of all witnesses/accused employees and any other evidence (mobile video, CAD records, police radio recordings, etc.). They organize all information within the case file and based upon a preponderance of evidence assign a recommended finding for each allegation of the case.

Allegations/charges can only be resolved by one of the following judgments:

- Sustained – There was sufficient information to prove the allegation.
- Not Sustained – There was not sufficient information to either prove or disprove the allegation.
- Exonerated – The incident occurred as reported, but was lawful or proper.
- Unfounded –The allegation is baseless or false.
- Closed by Exception –The investigation was closed by direction of the Chief of Police or the complainant withdrew the complaint.

48-hour Notice

As stipulated in contractual agreements and KRS 67C.326, accused employees will not be interviewed concerning administrative investigations of complaints of misconduct until 48 hours have passed, after they have been notified of the investigator's desire for such an interview. This notification is documented on a 48-hour Notice (PSU-003) and included in the case file.

Interviews

All statement interviews (complaints, complainant witnesses, employee witnesses and accused employees) will be recorded and taken under oath. All interviews should be conducted by two Professional Standards Unit Investigators, unless exigent circumstances exist. Only the two investigators

and the source individual are permitted in the interview room during the statement.

The Unit Commander has the discretion to make an exception to this rule for unusual circumstances (e.g. juvenile witness, Citizen's Advocate, etc.). When such exceptions occur, the additional person included will be present as an 'observer' only and not as a 'participant'. If an observer interrupts an interview statement, they will forfeit their privilege and be asked to leave the interview facility.

Case Review

After the investigator completes their investigation, it is forwarded to the Unit Commander for review. The Commander closely examines the contents of the case file for its detail, clarity and appropriateness of the Investigator's findings. After the Commander completes his/her review and recommends findings, the Administrative Assistant enters the Unit's recommendations in the complaint database and the case is forwarded to the Special Investigations Division Commander for final review. The Special Investigations Commander will also make recommendations as to the findings of the investigation.

Once a case file is forwarded to the Chief's Office, it is no longer under Professional Standards Unit control. The Chief's Office examines the contents of the file and the recommendations of the Professional Standards Unit. The Chief of Police will use all information provided him/her in the case file to base his/her own findings for the allegations, which are the official findings.

The Chief of Police is the sole authority who determines the final findings of these administrative investigations. The Chief of Police is also the sole authority that determines and administers any disciplinary action against a member of the Department, resulting from a Professional Standards Unit investigation.

Once this is accomplished, the case file is returned to PSU for file storage. The Administrative Assistant will record the Chief's findings in the complaint database and the case will be bound and filed.

Merit Board Appeals

In some cases where the Chief of Police issued discipline against an employee, the employee may appeal the levied discipline to the Louisville Metro Government Merit Board for a hearing to either change or reverse the discipline. Investigators of the Professional Standards Unit will assist the Metro Government in the capacity as a witness and testify to the investigation they conducted. They may also be called upon to relocate witnesses, serve Merit Board Subpoenas or other tasks at the discretion of the Metro Government Attorneys.

Record Keeping & Management

The Professional Standards Unit will maintain records of all the complaints investigated by the Unit and all Departmental disciplinary actions provided by the Chief of Police. The Professional Standards Unit will also maintain records including Blue Team Reports documenting Use of Force by members of the department.

When information, documents or records are requested by an external or internal source, the Professional Standards Unit will abide by governing laws of the Kentucky Open Records Act, KRS 67C.326, Court Orders and binding contractual agreements. Also, the Professional Standards Unit will follow records retention schedules as outlined by KRS through the State Records Branch, Public Records Division.

EXHIBIT 6

Search

info

Edit

Kenny Betts

mobile **+1 (502) 664-2784**

Send Message

FaceTime

Share Contact

Add to Favorites

Messages

Kenny Betts

Edit

Text Message

Jul 20, 2013, 17:56

Hey

Jul 20, 2013, 18:22

Whats going on?

At the St. Anges picnic

Till what time?

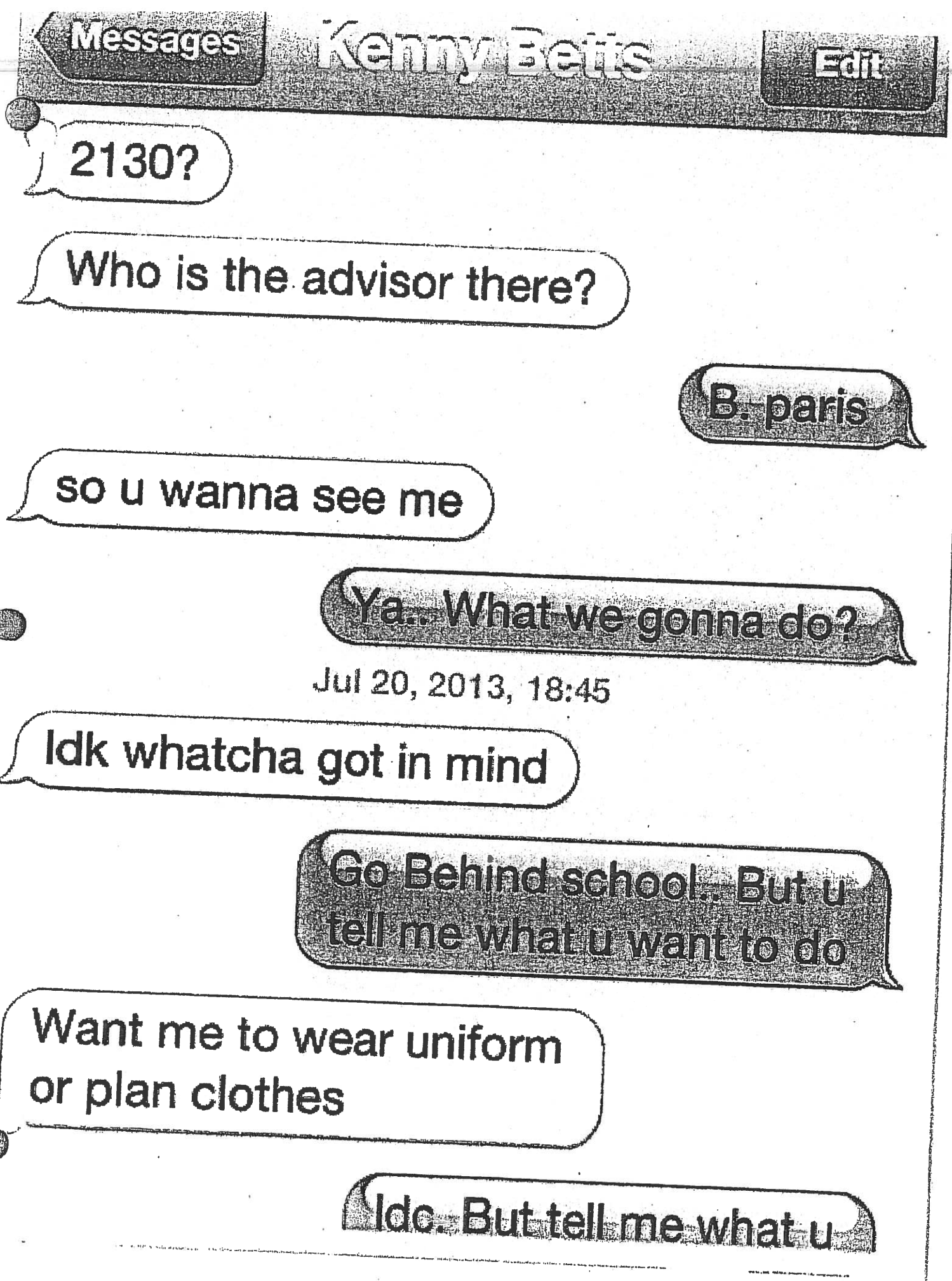
Like 12 midnight

Maybe I should come out and see you.

When?

2130?

Who is the advisor there?


Messages
Kenny Betts
Edit
2130?
Who is the advisor there?
B. paris
so u wanna see me
Ya.. What we gonna do?
Jul 20, 2013, 18:45
Idk whatcha got in mind
Go Behind school.. But u tell me what u want to do
Want me to wear uniform or plan clothes
Idc. But tell me what u

want to do.

Will anyone see us?

No

I wanna surprise you ;-)

Just tell me so i know:)

I really wanna make out

Jul 20, 2013, 19:13

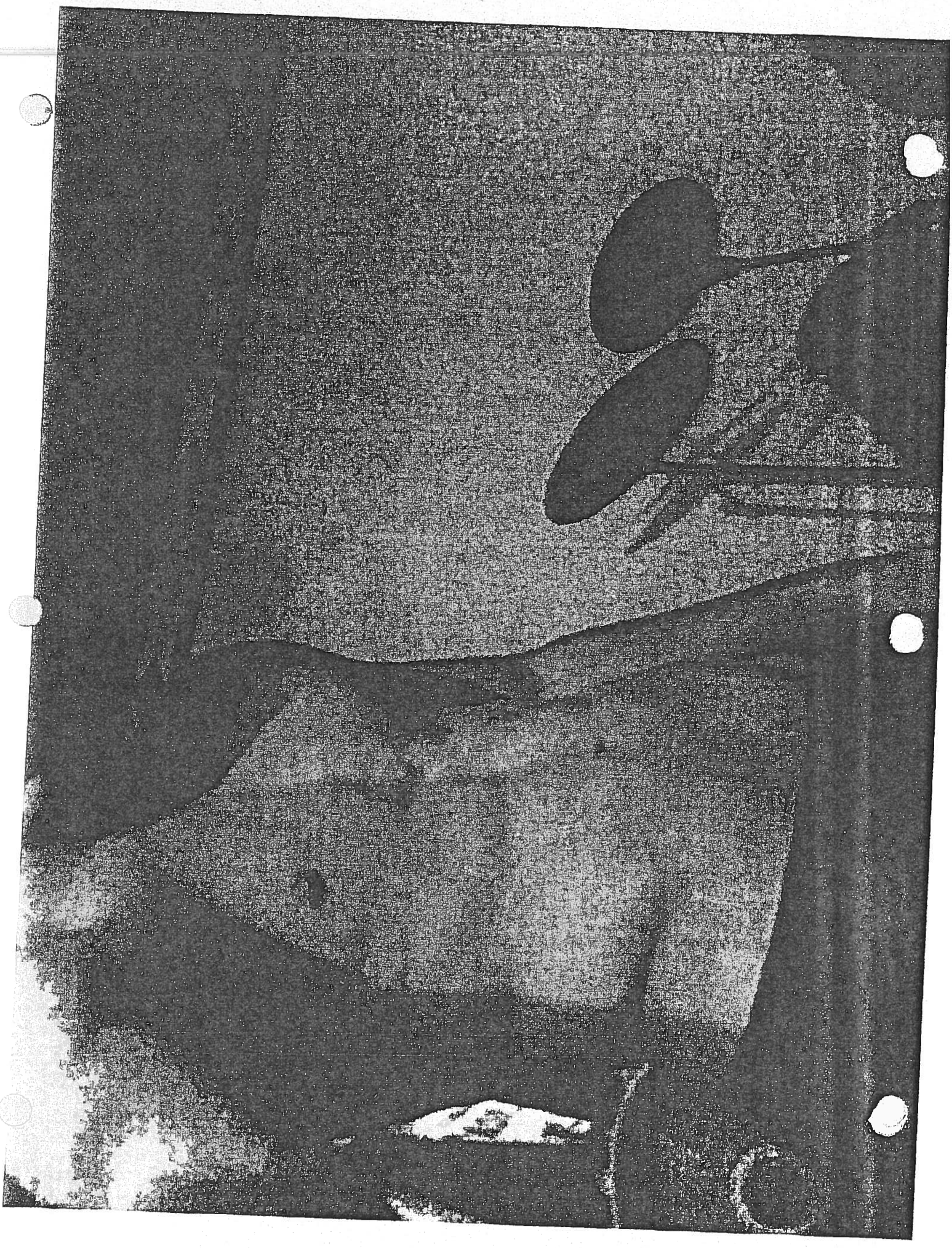
?

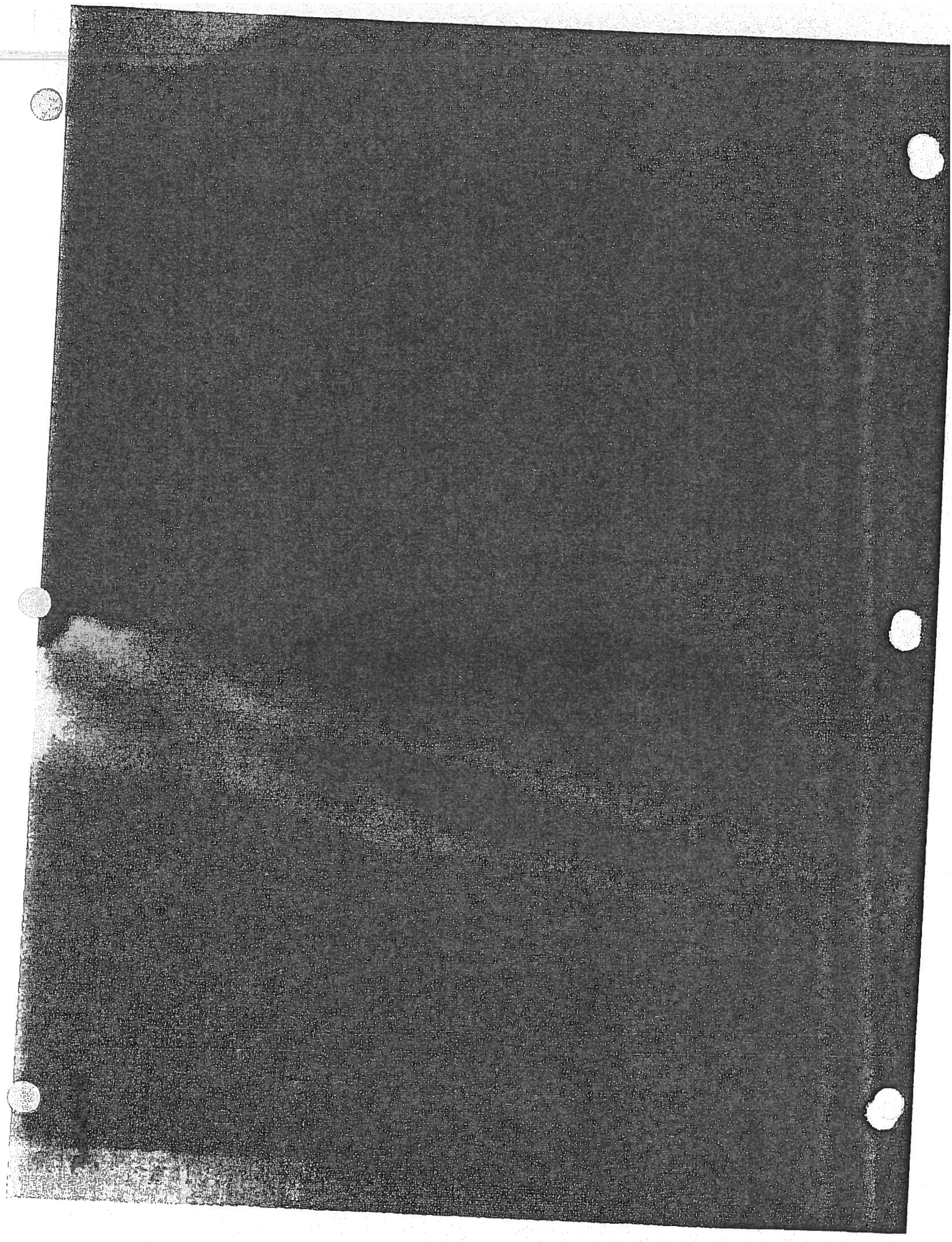
Jul 20, 2013, 20:22

Whats up?

Jul 21, 2013, 15:23

Hey





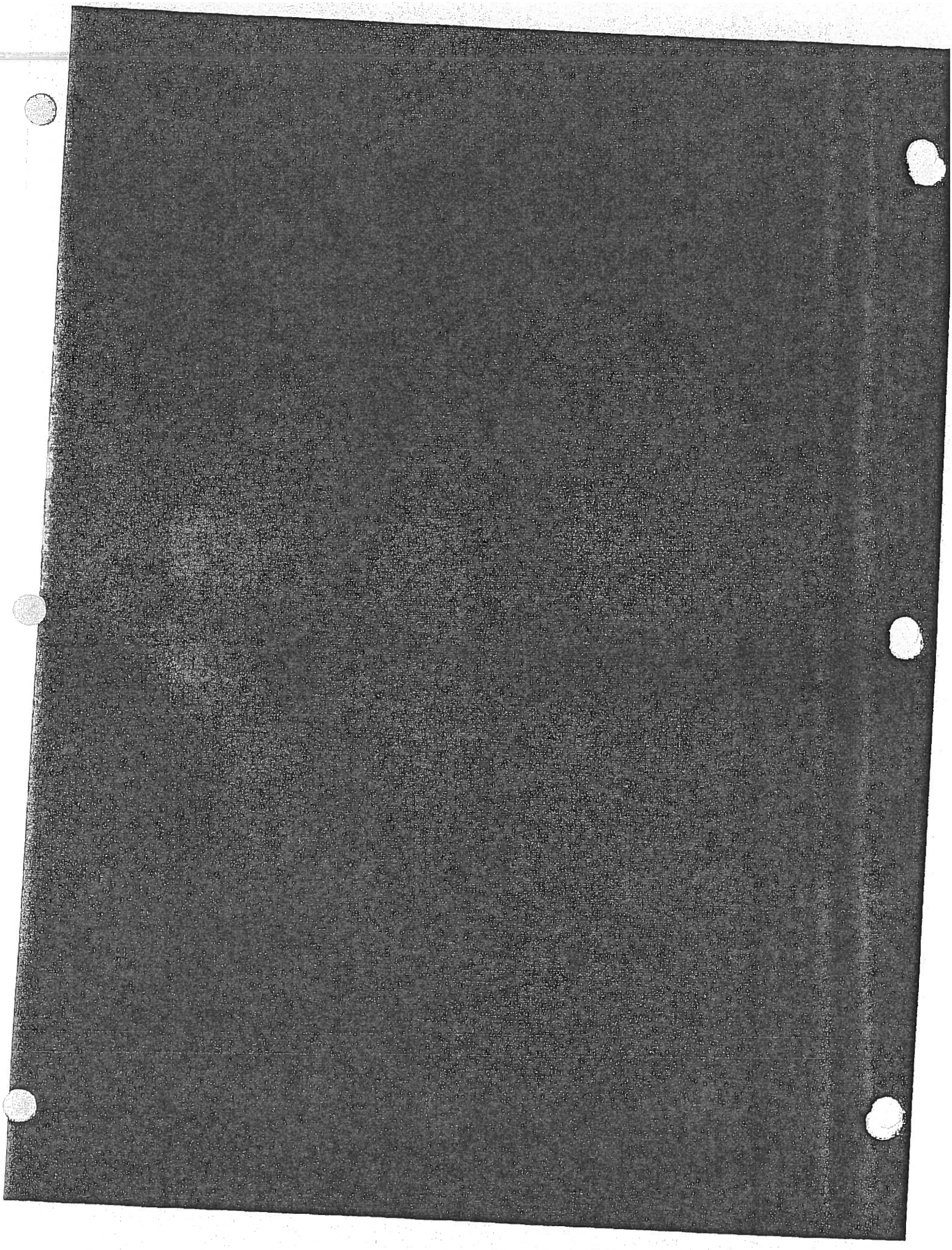


EXHIBIT 7

[redacted] to Attorney David [redacted] Yates

]**Recipients** [redacted]
David Yates [redacted]
Author David Yates [redacted]
Sent 2016-10-13 19:30:43 UTC
Deleted false
Body [redacted]
I apologize if I missed your call.
It was suggested that I get in touch with you immediately. I believe because of my unique position and skill set and having won large verdict on behalf of victims. I would
love the opportunity to help you.
My law office number is [redacted]
My personal cell [redacted]
Recipients David Yates [redacted]
Author [redacted]
Sent 2016-10-13 19:46:03 UTC
IP [redacted]
Deleted false
Body You accepted David's request.
Recipients David Yates [redacted]
Author [redacted]
Sent 2016-10-13 19:46:08 UTC
IP [redacted]
Deleted false
Body What's this about?
Recipients David Yates [redacted]
Author [redacted]
Sent 2016-10-13 19:47:10 UTC
IP [redacted]
Deleted false
Body I never called you
Recipients David Yates [redacted]

Author [redacted]
Sent 2016-10-13 19:51:10 UTC
IP [redacted]
Deleted false
Body I'm confused
Recipients [redacted]
David Yates [redacted]
Author David Yates [redacted]
Sent 2016-10-13 20:11:06 UTC
Deleted false
Body I am sorry if I messaged the wrong person. my law practice represents Plaintiffs in
civil cases involving sexual misconduct. I was told that you may need my assistant and representation. My paralegal said that I had two calls from a [redacted] that declined to
leave a msg. We have several mutual friends and I made the assumption that you were the person who may want my help.
Thanks
David
Recipients David Yates [redacted]
Author [redacted]
Sent 2016-10-13 20:13:58 UTC
IP [redacted]
Deleted false
Body Not me sir
Recipients David Yates [redacted]
Author [redacted]
Sent 2016-10-13 20:14:13 UTC
IP [redacted]
Deleted false
Body But I'm involved in something like that but do not wish to file
Recipients David Yates [redacted]
Author [redacted]
Sent 2016-10-13 20:17:30 UTC
IP [redacted]
Deleted

false
Body Who did you get this information from
Recipients [redacted]
David Yates [redacted]
Author David Yates [redacted]
Sent 2016-10-13 20:28:04 UTC
Deleted false
Body [redacted]
Is my personal cell. I'd be happy to have a completely confidential conversation.