



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Final Government Oversight and Audit Committee

Chair Brent Ackerson (D-26)
Vice Chair Anthony Piagentini (R-19)
Committee Member Barbara Sexton Smith (D-4)
Committee Member Donna Purvis (D-5)
Committee Member Brandon Coan (D-8)
Committee Member Bill Hollander (D-9)
Committee Member Kevin Kramer (R-11)
Committee Member Rick Blackwell (D-12)
Committee Member Cindi Fowler (D-14)
Committee Member Stuart Benson (R-20)
Committee Member Madonna Flood (D-24)

Monday, September 28, 2020

1:30 PM

Council Chambers

THIS IS CONSIDERED A SPECIAL MEETING

Call to Order

Chair Person Ackerson called the meeting to order at 1:31 p.m.

Roll Call

Chair Person Ackerson introduced the committee and non-committee members present. A quorum was established.

***NOTE: All committee and non-committee members present attended virtually, except for Chair Person Ackerson, Committee Member Purvis, and Council President James who attended in Chambers.**

- Present:** 9 - Chair Brent Ackerson (D-26), Vice Chair Anthony Piagentini (R-19), Committee Member Barbara Sexton Smith (D-4), Committee Member Donna L. Purvis (D-5), Committee Member Bill Hollander (D-9), Committee Member Kevin Kramer (R-11), Committee Member Rick Blackwell (D-12), Committee Member Cindi Fowler (D-14), and Committee Member Stuart Benson (R-20)
- Excused:** 2 - Committee Member Brandon Coan (D-8), and Committee Member Madonna Flood (D-24)

Non-Committee Member(s)

Council Member Jessica Green (D-1), Council Member Barbara Shanklin (D-2), Council Member Keisha Dorsey (D-3), Council President David James (D-6), Council Member Paula McCraney (D-7), Council Member Markus Winkler (D-17), and Council Member Marilyn Parker (R-18)

Support Staff

Jonathan Ricketts, Attorney for Metro Council

Clerk(s)

Lisa Franklin Gray, Assistant Clerk
Sonya Harward, Clerk

HEARING

1. [ID 20-1059](#)

HEARING PURSUANT TO ORDER 003, SERIES 2020, TO INVESTIGATE THE ACTIONS AND INACTION OF THE ADMINISTRATION SURROUNDING THE DEATH OF BREONNA TAYLOR, THE DEATH OF DAVID MCATEE, AND RELATED PROTESTS IN LOUISVILLE METRO

Attachments: [OR 003 2020.pdf](#)

[Subpoena for Chief Robert Schroeder \(issued on 9-8-20\).pdf](#)

[Subpoena for Chief Robert Schroeder \(approved for issuance on 8-3-20\).pdf](#)

Chair Person Ackerson gave an update to the Committee on the process for questioning. Chair Person Ackerson also welcomed Acting Chief Robert Schroeder.

Chair Ackerson administered the oath to:

- Chief Robert Schroeder, Louisville Metro Police Department

Chief Schroeder provided an opening statement about the events surrounding the civil unrest and demonstrations that have occurred in the city over the past 111 days, and which have resulted in the arrest of 633 people. Chief Schroeder recognized Major Aubrey Gregory and Officer Robinson Desroches, who were shot during the recent protests. Chief Schroeder clarified why he has been unable to testify previously under legal advisement. He also commended the officers of the Louisville Metro Police Department for their commitment and dedication.

The following asked questions and made comments:

- Chair Person Ackerson
- Vice Chair Piagentini
- Council Member Parker
- Committee Member Hollander
- Council President James
- Committee Member Kramer
- Committee Member Sexton Smith
- Council Member Winkler
- Committee Member Purvis
- Council Member McCraney
- Council Member Dorsey
- Council Member Shanklin
- Council Member Fowler

The following answered questions/provided testimony:

- Chief Robert Schroeder

The following was discussed:

- Questions regarding preparation for the hearing at hand
- Review of events and documents referring to civil unrest
- Questions regarding public reaction to the release of 911 tapes of the call from Kenneth Walker
- Expectation of vehicle caravans
- Officer in distress calls "10-30"
- Chain of command and command orders given
- Responsible parties and executive commands issued
- Interactions/communications between police and specific protest leaders
- Non-lethal weaponry during the protests
- Several questions regarding Chief Steve Conrad's departure and Chief Schroeder assuming the role
- Questions regarding why National Guard was deployed to 26th and Broadway
- Questions regarding who was the liaison between National Guard and Louisville Metro Police Department
- Questions regarding other locations and/or resistance in their deployment
- Questions regarding how Chief Schroeder was placed into the role of Acting Chief upon Chief Conrad being relieved of his duties
- Questions regarding circumstances surrounding Chief Conrad's termination; it is believed due to no body camera footage
- Several questions regarding the role of police at the onset of the protests
- Several questions surrounding morale and/or confidence in Administration
- Several questions regarding communication and support between departments following Chief Conrad's departure
- Discussions surrounding communication difficulties and confusion between command staff and Administration
- Commander's Intent versus Clear Orders
- Questions regarding stand down orders versus deployment of pepper balls and tear gas
- Questions surrounding removal of tents from Jefferson Square Park and who made the decision to remove them
- Questions regarding who issued the stand down order
- Questions on sign-in procedures for the Emergency Operations Center (EOC)
- Questions surrounding the termination of Detective Brett Hankinson based upon activities at Breonna Taylor's home
- Several questions regarding the Public Integrity Unit file review and factors that contributed to the decision to terminate Detective Hankinson
- Questions surrounding briefings with the Public Integrity Unit, command staff and the Administration
- Questions surrounding the process to turn over Public Integrity Unit file to Attorney General's Office
- Several questions surrounding the strategies in anticipation of Grand Jury/Attorney General decision
- Questions surrounding the announcement and departure of Chief Schroeder

The Committee took a brief recess at 2:47 pm.
The Committee reconvened at 2:51 pm.

The following was discussed:

- Questions regarding whether Chief Schroeder has experienced micro-managing by the Executive branch
- Chief Schroeder gave an example of being micromanaged - communication challenges
- Questions surrounding whether Mayor Fischer had relayed a loss of trust or no confidence in the Police Department
- Questions surrounding whether there were churches or services that would be an exception to the curfew Executive Order
- Several questions regarding protester engagement with the Executive branch, specifically Nicole Yates, Joshua Watkins, and Margaret Brosko
- Questions regarding an outside protest consultant advising the Mayor's Office
- Todd Yuri
- Questions regarding access to the Emergency Operations Center (EOC)
- Several questions/comments regarding Nicole Yates' role as a protester liaison during the civil unrest
- Questions surrounding the role of Jesse Halladay, Louisville Metro Police Department, and her authority/responsibilities
- Several questions regarding threats of harm made against police officers
- Chief Schroeder gave an example of a incident where officers were given an order to stand down and/or use de-escalation tactics
- Questions regarding the arrest of State Representative Attica Scott and the circumstances surrounding her arrest
- Questions regarding Homeland Security possibly executing a search warrant on the Unity Church to gain access to specific protesters inside
- Questions regarding police reform stipulations as a result of the Breonna Taylor settlement
- Questions regarding a file named the White Orchard file
- Questions surrounding the incident report from the Breonna Taylor investigation
- Questions regarding Jesse Halladay's position and role as a special advisor for the Police Chief, as well as, steps to relieve her of her duties
- Questions regarding the on-site commander in the incident at 26th and Broadway with the police officers and the National Guard
- Discussion surrounding the internal investigation by the Louisville Metro Police Department and an investigation from the Kentucky State Police
- Questions regarding whether any citizens were charged/arrested for curfew violations at 26th and Broadway
- Several questions regarding possible body camera footage from the incident at 26th and Broadway and a subsequent investigation
- Additional questions regarding incidences of micro-management, such as communications with the public and officers
- Questions surrounding police review of "after action" reports documenting the civil unrest - reports are available to the public via an Open Records request
- Questions regarding an internal investigation for policy violations in the incident where a reporter was fired upon with pepper balls
- There are currently twenty open Professional Standards investigations and five Public Integrity investigations surrounding incidents during the civil unrest
- Questions regarding procedures after an officer involved shooting and the process within the Louisville Metro Police Department
- Questions regarding different perspectives in relation to certain incidents during the civil unrest
- Questions surrounding the vandalism and looting that took place in

downtown Louisville Metro on May 29

- Questions regarding whether there was a stand down order during the vandalism and looting downtown
- Questions regarding stand down orders during the protesters overtaking the 2nd Street bridge
- Questions surrounding the removal of protester tents in Jefferson Square Park and the events leading up to removing the tents
- Additional questions surrounding the deployment of the National Guard to West Louisville at 26th and Broadway
- Questions surrounding the protest consultants/liasons and their advisement
- Question about whether the consultants were offering tactical advisement or protester engagement and de-escalation
- Questions regarding the outside consultant meeting with command staff to offer de-escalation practices
- Questions regarding whether there has been consistent engagement with faith leaders
- Questions about community partner engagement in dealing with certain protest groups
- Questions regarding the goal for deploying the National Guard and police to 26th and Broadway
- Questions about why the National Guard was not deployed on subsequent nights if their presence was a stabilizing effect
- Several questions regarding the standards and protocol for SWAT when serving a warrant
- Question of whether SWAT was briefed prior to the Breonna Taylor raid
- Questions regarding witnesses in the Breonna Taylor raid
- Several questions on whether a formal reprimand had been issued for Sergeant John Mattingly after he sent an inappropriate email to fellow officers
- Questions regarding the use of force and civil disturbance policies and the use of chemical/non-lethal weaponry during civil unrest
- Questions regarding Metro-wide curfew policies within Louisville Metro Police Department
- Additional questions surrounding the arrest of Representative Attica Scott and possible alternative measures that could have been taken other than arrest
- Questions regarding why umbrellas and tents are not allowed in Jefferson Square Park
- Additional questions regarding the role of protest engagement staff and how they were hired
- Questions surrounding the \$12M settlement with the family of Breonna Taylor and the reforms and best practices recommended for all officers
- Questions surrounding the events that lead to the retirement of Major Bridget Hallahan, Louisville Metro Police Department
- Several questions regarding whether businesses were made aware of stand down orders so alternative measures may have been taken to protect businesses
- Comments regarding misinformation posted to social media
- Questions regarding whether the National Guard was sent to any other locations other than 26th and Broadway
- The National Guard response to the downtown area civil unrest being resolved peacefully
- Questions regarding tent removal in Jefferson Square Park in relation to statements made by Council President David James
- Several questions in relation to implied pressure from the Metro Council

during the episodes of civil unrest

- Question regarding a Professional Standards Unit Investigation into the actions of Officer Myles Cosgrove and Sergeant John Mattingly
- Questions regarding when the investigation in relation to Officer Cosgrove and Sergeant Mattingly will be complete
- Questions regarding identifying protesters versus identifying agitators
- Questions regarding the severity of charges such as felony rioting or unlawful assembly versus those individuals that are peacefully protesting
- Questions regarding a threshold of evidence or burden of proof to press charges or does this threshold fall under officer subjectivity
- Questions regarding any felony rioting charges being dropped or de-escalated
- Questions regarding the inappropriate emails sent by Major Hallahan and Sergeant Mattingly and current police morale and climate
- Questions regarding whether Louisville Metro resources were used to convey the communications and if so, is this a violation of Metro Human Resources standards
- Questions regarding similar riot tactics prior to the Attorney General announcement after the Breonna Taylor grand jury decision versus riot tactics and strategies in the early days of civil unrest
- Questions regarding equitable enforcement of the curfew Countywide
- Questions regarding whether officers are issued more than one firearm
- Questions regarding whether officers are allowed to reenter a scene after an officer involved shooting
- Questions regarding an investigation into the officer that originally sought the warrant for Breonna Taylor's home
- Questions on police reform stipulations from the Breonna Taylor settlement
- The circumstances previously referenced regarding tent removal in Jefferson Square Park and statements made by Council President James
- Questions regarding optics and public perception of police during the early days of civil unrest
- Questions regarding armed individuals brandishing firearms at peaceful protesters
- Questions regarding Place-Based Investigations and when that program was introduced in Louisville Metro and where the program is housed/located
- Questions about the transition process between Chief Schroeder and Interim Chief Yvette Gentry
- Emergency Management Director Jody Meiman being the appropriate party to approve a tour or visit by Metro Council Members
- Examples of positive support and best practices going forward to improve communication and engagement within the Louisville Metro Police Department, the Executive Branch, Metro Council and the community as a whole
- Questions regarding the process for enlisting the Kentucky State Police and National Guard in the early days of the civil unrest
- Questions regarding cutting edge tactics for the Louisville Metro Police Department and 2020 Policing program

Adjournment

Without objection, Chair Person Ackerson adjourned the meeting at 5:30 p.m.