

Remarks by Kentucky Attorney General Daniel Cameron
Press Conference Regarding the Grand Jury Proceedings in the Investigation into the Death of Ms. Breonna Taylor
As Prepared, September 23, 2020

Good afternoon, and thank you for joining us today. I know that many in Louisville and across the Commonwealth and country have been anxiously awaiting the completion of our investigation into the death of Ms. Breonna Taylor.

Prior to this announcement, I spoke with Ms. Palmer, Breonna Taylor's mother, to share with her the results from the Grand Jury. Many of you know that I had the opportunity last month to meet in-person with her and other members of Ms. Taylor's family, including Ms. Bianca Austin and Ms. Juniyah Palmer. I want to once again publicly express my condolences.

Every day this family wakes up to the realization that someone they loved is no longer with them. There is nothing I can offer today to take away the grief and heartache this family is experiencing as a result of losing a child, a niece, a sister, and a friend.

What I can provide today are the facts, which my office has worked long and hard to uncover, analyze, and scrutinize since accepting the case in mid-May.

I urge everyone listening today to not lose sight of the fact that a life has been lost, a tragedy under any circumstances. The decision before my office as the special prosecutor in this case was not to decide if the loss of Ms. Taylor's life was a tragedy. The answer to that question is unequivocally "yes."

There is no doubt that this is a gut wrenching, emotional case and the pain that many people are feeling is understandable. I deeply care about the value and sanctity of human life. It deserves protection, and in this case a human life was lost. We cannot forget that.

My job, as the Special Prosecutor in this case, was to put emotions aside and investigate the facts to determine if criminal violations of state law resulted in the loss of Ms. Taylor's life. This included examining the actions of Sergeant Jonathan Mattingly, Detective Brett Hankison, and Detective Myles Cosgrove, the three officers who fired their weapons in the early morning hours of March 13th.

In working with our federal partners on this case, it was determined that while we would share information to advance our respective investigations, we must also maintain some level of separation to ensure the integrity of each investigation. When examining issues regarding potential civil rights violations, we determined that any such violations are better addressed through a federal-led investigation, and issues involving potential criminal acts concerning the shooting are better addressed by a state-led investigation. With this in mind, our investigation focused on the events that took place in Ms. Taylor's apartment on March 13th.

In the months since taking this case, our dedicated team of prosecutors and investigators, with more than 200 years of combined career experience, conducted a thorough investigation to better understand the events that led to Ms. Taylor's death. The team is here with me today, and I want to personally and publicly thank them for their tireless work. These men and women are true public servants, who for months have shown up every day with a desire for one thing, to seek the truth.

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We decided that while we would examine materials gathered by LMPD's Public Integrity Unit, we would need to conduct our own independent investigation and start from scratch in the interest of thoroughness, fairness, and finding the truth.

There was no video or body camera footage of the officer's attempted execution of a search warrant at Ms. Taylor's residence. Video footage begins at the point that area patrol officers arrive at that location. Therefore, the sequence of events from March 13th had to be pieced together through ballistics evidence, 911 calls, police radio traffic, and interviews.

We utilized information from the Kentucky State Police, local medical examiners, as well as working with the FBI Crime Lab in Quantico to secure a trajectory analysis and ballistics report. Our team conducted interviews in this case and spent thousands of hours examining all of the available evidence. We concluded our last interview in this case this past Friday and began our Grand Jury presentation on Monday.

As long as the case is making its way through our legal system, I can only speak in general terms about our independent investigation and findings.

As the prosecutor, I am prohibited by the Kentucky Rules of Professional Conduct from making public comments that could in any way prejudice this case as it moves forward. Each state has different rules about what prosecutors can and cannot say. The Kentucky rules are clear that I'm prohibited from making comments that could sway public opinion or heighten public condemnation of those involved in the case. These are crucial rules to ensure due process under the Constitution.

When prosecutors prematurely release information about the case to the public, it can risk justice by poisoning the jury pool, violating the accused's right to a fair trial, and even jeopardizing the final verdict.

The success of our legal system is predicated on the principle that the accused is innocent until proven guilty. Despite passions, opinions, and the desire for every detail to be known, the rule of law must apply. Justice must be done.

In the early morning hours of March 13th, officers from LMPD executed a search warrant at 3003 Springfield Drive, apartment four. This was Ms. Breonna Taylor's residence.

The officers were advised by superiors to knock and announce their presence in serving this specific search warrant.

The scope of our investigation did not include the obtainment of that warrant by LMPD's Criminal Interdiction Division. Federal law enforcement partners are conducting that investigation.

Sergeant Mattingly and Detectives Cosgrove and Hankison had no known involvement in the preceding investigation or obtainment of the search warrant. They were called into duty as extra personnel to effectuate the service of the search warrant. They only had information conveyed to them during their briefing.

Evidence shows that officers both knocked and announced their presence at the apartment. The officer's statements about their announcement are corroborated by an independent witness who was near in proximity to apartment four. In other words, the warrant was not served as a "no-knock" warrant.

When officers were unable to get anyone to answer or open the door to apartment four, the decision was made to breach the door.

After breaching the door, Sergeant Mattingly was the first, and only officer, to enter the residence. Sergeant Mattingly identified two individuals standing beside one another at the end of the hall, a male and female. In his statement, he says that the male was holding a gun, arms extended, in a shooting stance. Sergeant Mattingly saw the man's gun fire, heard a "boom," and immediately knew he was shot as a result of feeling heat in his upper thigh.

Kenneth Walker fired the shot that hit Sergeant Mattingly, and there is no evidence to support that Sergeant Mattingly was hit by friendly fire from the other officers. Mr. Walker admitted that he fired one shot and was the first to shoot. In addition to all the testimony, the ballistics report shows that the round that struck Sergeant Mattingly was fired from a nine-millimeter handgun. The LMPD officers fired 40 caliber handguns.

Sergeant Mattingly returned fire down the hallway. Mattingly fired six shots. Almost simultaneously, Detective Cosgrove, also in the doorway area, shot sixteen times. This all took place in a matter of seconds.

In total, six bullets struck Ms. Taylor. Medical evidence obtained by our team indicates that only one shot was fatal. Further medical evidence shows that Ms. Taylor would have died from the fatal shot within a few seconds to two minutes after being struck.

Detective Hankison fired his weapon 10 times—including from outside a sliding glass door and through a bedroom window. Some bullets traveled through apartment four and into apartment three, before some exited that apartment. At the time, three residents of apartment three were at home, including a male, a pregnant female, and a child.

There is no conclusive evidence that any bullets fired from Detective Hankison's weapon struck Ms. Taylor.

The KSP ballistics analysis did not identify which of the three officers fired the fatal shot. After receiving that information, I asked the FBI Crime Lab to conduct its own analysis to see if they reached the same results. The FBI ballistics analysis concluded that the fatal shot was fired by Detective Cosgrove.

Our office looked at both reports to determine if there were major differences in the procedures used by each lab that would have led the FBI to identify who fired the fatal shot. Both law enforcement agencies used similar equipment and analysis, and each lab is highly respected for their work. There was nothing our investigators could point to, nor anything

provided by the respective agencies, that directly explains why one lab made the call while another did not.

I think it is worth repeating again that our investigation found that Mattingly and Cosgrove were justified in their use of force, after having been fired upon by Kenneth Walker.

Secondary to this justification, the KSP and FBI ballistics analysis reached different conclusions, creating a reasonable doubt in the evidence about who fired the fatal shot.

I understand the public's desire for answers, and many have questioned the length of the investigation. Simply put we had to try every means necessary to determine who fired the fatal shot before the investigation could be completed.

With a thorough and complete knowledge of all evidence collected in this case, lawyers with our Office of Special Prosecutions presented the findings of our independent investigation before a Grand Jury comprised of Jefferson County residents beginning on Monday and concluding today.

In *Fletcher v. Graham*, the Kentucky Supreme Court said that, "The grand jury has competing, but balanced, functions: on the one hand, its purpose is to investigate allegations of criminal conduct and determine if there is probable cause to believe that a crime has been committed; on the other, the grand jury serves to protect the public against unfounded criminal prosecutions where probable cause is lacking. The grand jury is unique in our criminal justice system, because it operates independent of the court and the prosecutor: "[t]he hallmark of the grand jury is its independence from outside influence."

This independence is necessary to ensure that justice is done both for the victims and for the accused.

After hearing the evidence from our team of prosecutors, the Grand Jury voted to return an indictment against Detective Hankison for three counts of wanton endangerment for wantonly placing the three individuals in apartment three in danger of serious physical injury or death.

The charge of Wanton Endangerment in the first degree is a Class D Felony, and, if found guilty, the accused can serve up to five years for each count.

Kentucky law states that "a person is guilty of wanton endangerment in the first degree when, under circumstances manifesting extreme indifference to the value of human life, he wantonly engages in conduct which creates a substantial danger of death or serious physical injury to another person." My office is prepared to prove these charges at trial. However, it's important to note that he is presumed innocent until proven guilty.

During the last six months, we've all heard mention of possible charges that could be brought in this case. It's important to understand that all of the charges that have been mentioned have specific meanings and ramifications.

Criminal homicide encompasses the taking of a life by another. While there are six possible homicide charges under Kentucky law, these charges are not applicable to the facts before us because our investigation showed, and the Grand Jury agreed, that Mattingly and Cosgrove were justified in their return of deadly fire after having been fired upon by Kenneth Walker.

Let me state that again.

According to Kentucky law, the use of force by Mattingly and Cosgrove was justified to protect themselves. This justification bars us from pursuing criminal charges in Ms. Breonna Taylor's death.

The truth is now before us. The facts have been examined, and a Grand Jury, comprised of our peers and fellow citizens, has made a decision.

Justice is not often easy. It does not fit the mold of public opinion, and it does not conform to shifting standards. It answers only to the facts and to the law.

With this in mind, we must now ask ourselves, "where do we go from here?"

We will continue to prosecute the charges brought in this case as it now proceeds through the justice system and moves to trial. This will be done while the FBI continues its investigation into potential violations of federal law.

I know that not everyone will be satisfied with the charges we've reported today. When my team set out to investigate the circumstances surrounding Ms. Taylor's death, we did it with a singular goal in mind—pursuing the truth. Kentuckians deserve no less, the city of Louisville deserves no less.

Every person has an idea of what they think justice is. My role as special prosecutor in this case is to set aside everything in pursuit of the truth. My job is to present the facts to the Grand Jury, and the Grand Jury then applies those facts to the law.

If we simply act on emotion or outrage, there is no justice. Mob justice is not justice. Justice sought by violence is not justice. It just becomes revenge. And in our system, criminal justice isn't the quest for revenge. It's the quest for truth, evidence, and facts—and the use of that truth as we fairly apply our laws.

Our reaction to the truth today says what kind of society we want to be. Do we really want the truth, or do we want a truth that fits our narrative? Do we want the facts, or are we content to blindly accept our own version of events?

We as a community must make this decision.

I understand that Ms. Breonna Taylor's death has become part of a national story and conversation. But, we must remember that the facts and the collection of evidence in this case are different than cases elsewhere in the country. Each is unique and cannot be compared.

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There will be celebrities, influencers, and activists, who, having never lived in Kentucky, will try to tell us how to feel, suggesting they understand the facts of this case and that they know our community and the Commonwealth better than we do.

But, they don't. Let's not give in to their attempts to influence our thinking or capture our emotions.

At the end of the day, it's up to us. We live here together. We work here and raise our families here together. I urge those protesting on the streets to remember this. Peaceful protests are your right as an American citizen. Instigating violence and destruction are not. I've spoken with both Mayor Fischer and Governor Beshear in the days leading up to this announcement, and I urge them to do what is necessary to maintain law and order and to protect our cities and our people.

We have a long road ahead, both as we pursue this case through the criminal system and as we address the pain in the Louisville community.

I am committed to being a part of the healing process. When tragedy occurs, we must mourn, but we must also do everything we can to prevent it from happening again.

Today, consistent with that view, I am announcing that I will create a task force to review the process for securing, reviewing, and executing search warrants in Kentucky. The task force will consist of a variety of stakeholders, including citizens, members from the law enforcement community, representatives from the judiciary, defense attorneys, and elected leaders. I will be issuing an executive order in the coming days to create this task force. I believe conducting a top to bottom review of the search warrant process is necessary to determine if changes are required and establish best practices.

You have my word that I will also vigorously prosecute the criminal charges announced today, and I can assure you that my team of prosecutors will continue to give this case their attention and time.

I will also continue to support the good men and women of our law enforcement community, who put their lives on the line every day to protect and serve.

And, I will fight for those across our state who feel like their voice isn't heard. Who feel marginalized, judged, and powerless to bring about change.

In a world that is forcing us to pick a side, I choose the side of justice. I choose the side of truth. I choose a path that moves the Commonwealth toward healing. You have that choice as well. Let's make it together.

Thank you, and God bless.