



**Grand Jury Transcript
September 21, 2020
Recording #2¹**

¹ THIS IS NOT AN OFFICIAL TRANSCRIPT; IT WAS PREPARED FROM AUDIO RECORDINGS OF THE GRAND JURY PROCEEDINGS BY COUNSEL FOR THE NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC (“LDF”).

Barbara Whaley: Okay, we're back on record with the Jefferson County Grand Jury.

Jeff Ogg: You're getting ready to see a video of the scene. We're not going to have a discussion protocol of speaking points up to the video, I will comment when we go from Apartment 4 to Apartment 3. Other than that, I'll let you kind of see it and kinda analyze it for yourself.

This is the gate that we were talking about earlier). {cough}

Silence [0:44 to 16:18] {Background noise}

Unknown Male 1: Is he coming up the back stairs?

Unknown Male 2 2: Yes.

Unknown Male 1: Oh shit. {cough}

Silence [16:25 to 28:09] {Background coughing and rustling of papers}

Jeff Ogg: Now we're going to transition from Apartment 4 to Apartment 3.

Silence [28:15 to 30:32] {Background coughing and rustling of papers}

Jeff Ogg: Are there any questions on the video? Yes, ma'am.

Female Speaker 1: So, I'm trying to get this straight. So, was a lot of damage done to Apartment 8?

Jeff Ogg: There was a round that went up.

Female Speaker 1: Yeah.

Jeff Ogg: That wasn't recovered, I do not believe.

Female Speaker 2: It went out the roof.

Jeff Ogg: Huh?

Female Speaker 2: (Softly) Out the roof.

Jeff Ogg: It went out the roof.

Female Speaker 1: It went out the roof? So, it went straight through Apartment 8 to the roof, out the roof?

Jeff Ogg: Yes, ma'am.

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Female Speaker 1: Just one round?

Jeff Ogg: I believe it was just one.

Female Speaker 2: (Softly) It may have been two.

Jeff Ogg: But it may have been ...

Female Speaker 1: Shot two went out?

Jeff Ogg: Well, you'll hear testimony later about how that may have happened, or what happened, who specifically did that. I believe one of the officers mentions doing this.

Female Speaker 1: Mm-hmm (affirmative).

Presenter: Yes, sir?

Male Speaker 1: Where was the bullet recovered in the soap dish? I didn't see that.

Jeff Ogg: He didn't get video of it. He videotaped the room...

Male Speaker 1: Uh-huh (affirmative).

Jeff Ogg: ...But he didn't get the actual

Female Speaker 1: Yeah, because he didn't show it around like that.

Male Speaker 1: In this area here?

Female Speaker 1: Mm-hmm (affirmative).

Barbara Whaley: Okay, uh...

Female Speaker 1: I have another question.

Jeff Ogg: Yes, ma'am.

Female Speaker 1: You said the warrant was issued on (inaudible), right?

Jeff Ogg: It was signed by a judge.

Female Speaker 1: (Inaudible), and it was for what? Guns, drugs, and money?

Jeff Ogg: Illegal drugs, drug paraphernalia, and

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Female Speaker 1: But none was found? Just the gun that the man shot?

Jeff Ogg: That part there, to my understanding, that original search warrant, once all this happened, I think – I believe that was stopped. And there was an additional search warrant served. And I can't speak about what was found in that search warrant.

Jeff Ogg: Yes, ma'am.

Female Speaker 3: (Inaudible)

Jeff Ogg: I'm sorry.

Female Speaker 3: The date and time of the actual search ...

Jeff Ogg: A video was taken the morning of March 13th.

Female Speaker 3: Sorry. So, let me see – so, the incidences happened March 12th at what time?

Jeff Ogg: Well, the judge signed the warrant on March the 12th, but by the time they got to this location, it was March 13th.

Female Speaker 3: Okay. What time?

Jeff Ogg: It happened at 00:35, and they again executed a warrant about 00:40.

Female Speaker 1: So, there was that had somebody's name on there? Or were they looking for a main person in particular?

Male Speaker 2: You said there were regional warrants.

Female Speaker 1: Yeah.

{Papers shuffling}

Jeff Ogg: The warrant was for St. Anthony Gardens Apartments, 3003 Springfield Drive, #4, Louisville, Kentucky. Jefferson – Jefferson County, Kentucky, and all the surrounding curbs. And it goes on to describe (inaudible) at that location. And it describes authority to search a 2017 Dodge Charger SRT and, and/or on the persons or persons of black male, Jamarcus Cordell Glover, and his date of birth; black male, Adrian Orlandis Walker and his date of birth; black female, Breonna Taylor, and it gives her date of birth.

Female Speaker 1: Are there other names on there?

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Jeff Ogg: Well, technically, I wasn't specifically—yes, they were looking for these people. There were other operations going on at the same time, but this is the warrant - that had relevance to this.

Male Speaker 2: So that was the original.

Jeff Ogg: This is the sear – yes, this is the original search warrant that they were attempting to execute.

Male Speaker 2: Oh.

Female Speaker 1: They had issued on the 12th.

Jeff Ogg: The judge signed off on it on the 12th, yes.

Barbara Whaley: Detective, if you would clarify. You said the name Adrian Walker was one of the subjects.

Jeff Ogg: Yes, ma'am.

Barbara Whaley: And that is not Kenneth Walker?

Jeff Ogg: That is not Kenneth Walker. That is a different person. Same last name, but it's a different person. This is Adrian Orlandis Walker.

Female Speaker 1: Okay. Another question that I have: Michael Walker, was he either arrested and detained?

Jeff Ogg: He had made contact with him earlier at a different location.

Female Speaker 1: Did they contact him on the 13th or the 12th?

Jeff Ogg: I'm sorry.

Female Speaker 1: On the 12th or the 13th?

Jeff Ogg: [Inaudible] I think ... I can't be certain, but I think they contacted him on the 12th.

Barbara Whaley: It was that same night?

Jeff Ogg: Same time, same night. Late in the evening or early in the morning.

Male Speaker 3: When the judge signed it, it was late and that it was late in the day, right?

Jeff Ogg: I can't speak to that. I don't know. It's not uncommon for the judge to sign the warrant, and it has to be served in a reasonable amount of time after

that. The judge signed the warrant—because the information you put in the warrant has to be

Male Speaker 3: ... executed within a certain ...

Jeff Ogg: It has to be reliable information. So, if it's not served in a reasonable amount of time, it makes it stale. So, I don't know exactly when they went to the judge. I assume it was like around four. Sometime on the 12th, I would assume, but I don't have that -what time they went or anything like that.

We focused the investigation that we're presenting. There were other issues related to the warrant that we're not getting into too much in here, but the officers were executing a valid search warrant. The officers that served this warrant were acting in good faith. That's the term there. This was a valid warrant they were going to execute at this location for drugs, drug paraphernalia, and money. This search warrant authorized them to search Apartment 4, vehicle—a 2017 Dodge Charger, if that had been on the location, and these suspects.

Yes, ma'am.

Female Speaker 4: The Nissan that was shown in the video, what was that?

Jeff Ogg: That was driven by ...

Barbara Whaley: ... Detective Cosgrove.

Jeff Ogg: ... Detective Cosgrove.

Barbara Whaley: And, Detective Ogg, if you look on the last page of that warrant, I think it says what time it was signed.

Jeff Ogg: Okay. Yes. On the warrant itself, that's where they pointed out what time it was signed. It was signed by the judge on March the 12th, 2020 at 12:37 pm. So, just in the afternoon - earlier that day.

Yes, ma'am.

Female Speaker 5: And do I get this later that these officers – were they aware that contact had been made with Mr. Glover already before they served for this search warrant?

Barbara Whaley: You hear that?

Jeff Ogg: Yes. I do believe they were. Yes.

Mr. Michaels?

Mr. Michaels: There were shell casings between a couple cars. I'm assuming it's outside of the patio balcony.

Jeff Ogg: The shell casings you saw in that video in the parking lot, standing out in the parking lot and the vehicles...

Mr. Michaels: Okay.

Jeff Ogg: In this area.

Mr. Michaels: So, he was actually—he was actually between a couple cars?

Jeff Ogg: Yes. So, to hear more information on the rounds fired from the magazines (inaudible) Mr. Mattingly's statement and information provided by Detective Wolfe.

Do you have something, ma'am?

Female Speaker 6: No. Thank you, __ Where was the blood from between those two cars? Was that from the guy that shot in the femoral artery?

Jeff Ogg: Sergeant Mattingly got shot. He was tended to between those two vehicles.

Female Speaker 6: But there wasn't much blood there for a femoral artery bleed out.

Jeff Ogg: Well, I'm not a doctor, but there are other photos that in any ... if I get too graphic.

Female Speaker 6: That's fine.

Jeff Ogg: Any place. Any blood has to be trauma impact

Mr. Michaels: But that blood was from Detective Mattingly.

Jeff Ogg: Yes.

Mr. Michaels: It was all his.

Jeff Ogg: Yes, ma'am.

Female Speaker 7: I have a question about the gun shots. Will we get to that later? Specifically, the three shots in the back hall and the three shots on the doorway from the bedroom.

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Mr. Michaels: Yeah.

Female Speaker 7: Were those six shots from Mattingly?

Jeff Ogg: You will hear specific information about who fired where.

Female Speaker 7: Okay.

Female Speaker 8: Was Glover's name not on that search warrant because they had already been in contact with him earlier that day?

Jeff Ogg: Well, Glover's name was on the search warrant.

Female Speaker 8: So, they didn't know at the time it'd been signed that he had been contacted

Jeff Ogg: Well, how this operation went, there were multiple warrants being executed that night. Without getting too much into it, this address was one of the addresses that they had for Jamarcus Glover. Officers made contact with him earlier in the evening at one of the other locations. This—search warrants like this, which is not uncommon _____ for (inaudible)to search the body of whoever's there, the persons...

Female Speaker 8: Okay.

Jeff Ogg: Well, Mr. Glover was found someplace else, so then, the officers would be looking for the premises, the vehicle, and Adrian Orlandis Walker and Breonna Taylor.

Female Speaker 8: So, they (inaudible)?

Jeff Ogg: I can't speak for that.

Yes, ma'am.

Female Speaker 9: And did they know that she was there alone, or will we hear more about that later?

Jeff Ogg: You'll hear more about that later from the officers.

Female Speaker 10: What's the role or the guidance for Walker? Does he...

Jeff Ogg: Who? Walker?

Female Speaker 10: Yeah. Walker.

Jeff Ogg: Kenneth Walker?

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Female Speaker 10: Yeah, Kenneth Walker. Was he part of the ...

Jeff Ogg: He was Ms. Taylor's boyfriend.

Female Speaker 10: Yeah.

Female Speaker 10: He was not part of) the investigation or the warrants?

Barbara Whaley: No.

Jeff Ogg: He was not in that.

{Crosstalk}

Female Speaker 11: They were looking for another Walker. They just happened to find him.

Female Speaker 10: Does he have a background that would make him shoot out at first when somebody knocks on the door?

Jeff Ogg: I don't have that information with me.

Barbara Whaley: Thank you. We have more.

Jeff Ogg: Yes, sir.

Male Speaker 3: I'm wondering, from the door, there were 6 shots fired by one officer and 16 shots by the other.

Jeff Ogg: Yes.

Male Speaker 3: Okay.

Jeff Ogg: Yes. Six shots by Sergeant Jon Mattingly, he was the one that was shot. First to enter, he was the one who first went through the doorway. Detective Myles Cosgrove fired the 16 from that general area.

Male Speaker 3: I actually would like to know: Is it normal for after you do the breach, that shield comes up next?

Jeff Ogg: That's ...That... That is a situa... That's a question I have in general, but you'll hear testimony on that about why the shield was not in front of the "stack" as they call it. Detective James had the shield, but Detective James was not the first person in the stack.

Male Speaker 3: What I'm asking is: Is it procedure?

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- Jeff Ogg: Well, common tactics are the shield would be up front. Included for protection.
- Yes, sir?
- Male Speaker 4: No. Nothing.
- Jeff Ogg: Okay. And there are comments during the interviews of the officers that you will hear that reference about the shield.
- Female Speaker 10: What's the gate? What's in the meaning of the gate?
- Jeff Ogg: The gate was... The gate was...
- Female Speaker 11: Where the dumpster was.
- Jeff Ogg: The gate is relevant from the standpoint—the gate's here. The EMS was staged over here somewhere. They got a radio of officer needs assistance put in effect. Patrolmen ran to this initially, tried to get him into his vehicle. Later on, you will hear that ultimately the SWAT vehicle comes in. This is just a quick way to get to this area. You can see all the way over there. This is kind of a gate to separate the apartments from this area.
- Barbara Whaley: Okay. So, next I would ask you, have you selected some video of body camera worn by certain officers that arrived on scene after?
- Jeff Ogg: Yes. We want to present three video body cameras to kind of help you with some things that were seen and maybe said. The first video of body cam footage that you're going to see is from Patrolman Officer Oland. He pulled in for this part. He arrives later in the middle of the events, after the calls go out.
- Yes?
- Female Speaker 12: So, are you going to get to this, the body cams of the actual officers in the incident?
- Jeff Ogg: No. We do not have any body cam feeds available of the event, the incident of the breach of the door.
- Yes, sir?
- Male Speaker 3: Was the light working in the hallway that Cosgrove was in?
- Jeff Ogg: That's a good question. Inside of the house or in the breezeway?
- Male Speaker 3: In the breezeway.

Jeff Ogg: Everybody says there was no light out there. Now, we don't—there are some testimony or statements given about, whether they had the flashlights on or not. But it was full-level, low-level at least in the breezeway. As you opened the door, statements given from the officer, there were no lights on, as you opened the door. That hallway light that you saw above—there are some photos of Ms. Taylor—that you'll see later when you see the one of the body cam footage. You'll see that light being turned on, so during the incidence, that light is not on.

Barbara Whaley: Okay. Before we go on to the first body camera, I had neglected earlier to tell—put on the record that today's date is September 21, 2020. I'm Barbara Maines Whaley, assistant attorney general. I've been asking questions of Detective Ogg.

Go ahead with the first body camera of Officer Owen.

[Audio from video is inaudible.]

Walk backwards!

Recording: Keep going backwards!

[Audio from video is inaudible.] Shut that door!

Recording: Step to your right, two steps. To your right, two steps. Now step down on the steps and keep walking backwards. Step back. (Audio from recording is inaudible.) Hands high! Keep walking backwards! Keep walking backwards!

Recording: What did I do? That's my girlfriend.

Recording: {Crosstalk}

Recording: Keep walking backwards!

Recording: {Indistinct yelling, dog barking}

Jeff Ogg: Just a minute ago, that officer you saw—that was Detective Hankison.

Recording: {Indistinct yelling, dog barking}

Jeff Ogg: On the right in riot gear.

Recording: {Indistinct yelling, dog barking}

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Jeff Ogg: That's Hankison, right there.

Unidentified Female: (Inaudible question)

Jeff Ogg: That right there, putting his hand up in front of him.

Recording: {Indistinct yelling, dog barking}

(Recording is inaudible.)

Jeff Ogg: Okay, at some point the SWAT team arrives on scene. They leave another location. They hear the distress call on the radio, and then they come here. They come to this location.

(Inaudible yelling in the recording.)

Jeff Ogg: This is SWAT yelling, telling them get back. The patrolmen.

Female Speaker 13: Patrol officers? Which patrol officers?

Jeff Ogg: They're telling patrol officers to back up so they, the SWAT team, can do what they need to do.

Female Speaker 14: (Inaudible) rewind it back because at the top, like right around (inaudible) the teens real fast – 19, it was saying something at first. {Recording starts again.} Okay, roll that back. {Recording stops.}

Female Speaker 13: You mean the time there?

Female Speaker 14: Yes, it was saying 14 at first. (Inaudible)

Female Speaker 13: It was saying Zulu time. It has Zulu in it, so it's Zulu time.

Jeff Ogg: Yeah, Zulu is Greenwich Mean Time...

{Crosstalk}

Jeff Ogg: Zulu time is what the military operates on. Greenwich Mean Time is in England somewhere...

Female Speaker 14: Okay, it it's military.

Jeff Ogg: Yeah, Zulu time, you add hours onto it.

{Crosstalk}

Jeff Ogg: So that – that word- was the time.

Female Speaker 14: That was time.

Jeff Ogg: Yeah. I was six years in the military, that's how I know.

Female Speaker 14: (Inaudible)

Jeff Ogg: I hear that. Yeah, anytime it's Zulu time, it's Greenwich Mean Time.

Female Speaker 14: Okay. I was going to say something about the date. (Inaudible)

Jeff Ogg: Okay, the next video you're going to see is from a SWAT member. They arrive – they leave – (inaudible) they arrive here after they hear about the tragedy about an officer's been shot.

Male Speaker 4: I've got a question.

Jeff Ogg: Yes, sir.

Male Speaker 4: When the officers said who fired the shot. I didn't actually hear the response.

Jeff Ogg: He says – you'll hear that later. You'll hear one of the officers that fired the shots from the outside. Detective Hankison talks about that. From his gun. The next one's going to be from SWAT member Sergeant Brandon Hogan.

Female Speaker 14: Okay I have a question. So, if I'm an officer and I have a camera, do I turn on my own camera? Or how does that work?

Jeff Ogg: I think they turn it on.

Female Speaker 14: They turn them on?

Jeff Ogg: I do believe. Because everybody, at this time—the time of this, I don't think everybody even had cameras. But I think they turn them on. Some departments have them in storage, I think. Louisville's is activated by officers.

Recording [several speakers]: (Inaudible) hang on. Watch it. Watch it. Watch it. Everybody okay? Yeah. (Inaudible) So we're going in, (inaudible) hit the door, knocked three times and fired a shot. There's a female. He's saying I killed her. Now he says she's dead. He said she's down in there, but we weren't going in there to check. (Inaudible) We just burst in the door. We announced. We waited. (Inaudible) She's dead according to the suspect inside. (Inaudible) Go ahead, pull out. Go ahead and pull out. We've got it covered. (Inaudible) Are we good here? Alright, we're good. (Inaudible) She's down at the end of the hall. (Inaudible) She's down in the hallway. (Inaudible)

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Jeff Ogg: At this point they thought a robot might help them see the scene.
{Recording resumes.}

Jeff Ogg: Once they say she's safe, they papered the crime scene, and then they backed up.
{Recording resumes.}

Barbara Whaley: Who is that?

Jeff Ogg: (sounds like: Zackith).

Barbara Whaley: Okay.

Jeff Ogg: Zach. (Inaudible)
{Recording resumes.}
{Recording ends.}

Jeff Ogg: Sir, prior to starting this video, you asked me a question. I may have misunderstood that. Would you repeat that question, please?

Male Speaker 4: I don't...

Jeff Ogg: About shots, the shooting?

Male Speaker 4: Oh, uh, I didn't understand.

Barbara Whaley: Yes.

Male Speaker 4: Walker was saying something, and I didn't...Walker was saying something, and...

Female Speaker 14: When he was shot?

Male Speaker 4: I didn't understand – the sheet, the shake...

Jeff Ogg: Oh, that ...

Male Speaker 4: You're saying that he said he shot 6 times and the person behind him shot 16 times, but if I understand it right, when the door went open, he said that he saw two people standing shoulder-to-shoulder in that hallway.

Jeff Ogg: Well, at one point, Mr. Walker, as he's coming out, tells the officers that Ms. Taylor didn't shoot.

Female Speaker 14: Yeah.

Jeff Ogg: Yeah. Later on, Mr. Walker admits that he's the one that fired the single shot.

Yes, ma'am.

Female Speaker 15: Did they find the shell casing from his shot?

Jeff Ogg: Yes, I believe

Female Speaker 14: In that?

Female Speaker 15: I want to talk about their clearing under the beds.

Jeff Ogg: Yes.

Female Speaker 15: I heard where they cleared under her bed. I didn't hear where they cleared the other room.

Jeff Ogg: We edited that out.

Female Speaker 14: That's where you said the gun was laying.

Jeff Ogg: Yeah.

{Crosstalk}

Female Speaker 14: It's her sister's bedroom.

{Crosstalk}

Male Speaker 4: It was on this one.

Jeff Ogg: They had video on that, of the...

Female Speaker 14: No. They didn't.

{Crosstalk}

Barbara Whaley: That is Sergeant Cassey.

{Crosstalk}

Barbara Whaley: Sergeant Cassey. It was on his body cam. He's the one that got the gun.

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Jeff Ogg: Okay. We don't have the numbers up here, but Sergeant Cassey of SWAT on his video body cam footage, it shows the gun being under the bed.

Female Speaker 14: Oh.

Jeff Ogg: Not necessarily with all videos, just because of time, but Sergeant Cassey's was showing that.

What's that, ma'am?

Female Speaker 14: I said "We got time." We got nothing else...

Male Speaker 5: We're talking.

{Laughter}

Jeff Ogg: There is a ...

Barbara Whaley: She ...

Jeff Ogg: There is a photograph of the gun in there, so...

Female Speaker 13: Can we take a restroom break before we go on?

Jeff Ogg: Sure. Sure.

Barbara Whaley: We'll stop the record now for a bathroom break. 11:51