



**Grand Jury Transcript  
September 22, 2020  
Recording #3<sup>1</sup>**

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**<sup>1</sup> 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”).**

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Barbara Whaley: Okay, we're going back on record at 12:59 P.M. Detective Ogg is back to begin testifying, still under oath. Detective, the interview of—that we just heard with Kenneth Walker, which began at 3:53 A.M.—there was a second interview?

Detective Hall: Yes, ma'am.

Barbara Whaley: When did it begin?

Detective Hall: It begins at 5:14 A.M.

Barbara Whaley: Okay, and—oh, I'm sorry, yes ma'am.

Female Speaker 1: (Inaudible) just based on the recording. Do you know if they we recovered in the holster that we mentioned, that was recovered?

Detective Ogg: I'm not certain on that. We didn't even have a photograph of it, so I don't—I'm not sure if they collected that or not.

Female Speaker 1: Okay. And then another question is, as far as the calls that he made. Do you have a recording or records of those calls being made?

Detective Ogg: I have the 9-1-1 calls.

Female Speaker 1: (Inaudible) [sounds like: record of calls]?

Detective Ogg: No. There's phone records, but we don't have the calls. No.

Female Speaker 1: We didn't get those?

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Detective Ogg: No, we wouldn't have those.

Female Speaker 1: So we can't (sounds like: acquire them)? Or we can't...?

Detective Ogg: I don't have the records in front of me. I know on his recording, there is the 9-1-1 call—it sounded like he was talking to someone else. We don't know who he was talking to.

Female Speaker 1: ...Okay.

Male Speaker 1: There was one other thing I wanted to ask. (Sounds like: At 4 A.M. there were about 20 minutes left.)

Detective Ogg: That's when he was being photographed.

Male Speaker 1: They just kept recording while he was being photographed?

Detective Ogg: Yes. He was being photographed by the crime scene technician.

Female Speaker 1: All right, one last question. You mentioned that she had a Charger. What was the car that they were running a search warrant? Was there a car (inaudible)?

Detective Ogg: Yes.

1Barbara Whaley: Was it her car?

Detective Ogg: It's for a 2017 Dodge Charger SRT 8, and it gives a registration.

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1Barbara Whaley: And what color was that? Is it listed in there?

Detective Ogg: It was a red color.

1Barbara Whaley: A 2000—and what year was that?

Male Speaker 1: You said 2019 earlier.

Detective Ogg: Yeah, on this it says 2017 Dodge Charger.

Female Speaker 1: Okay.

Detective Ogg: And this one has a Mississippi registration on it, on the search warrant.

Female Speaker 1: Mm-hmm (affirmative). Okay, perfect. Okay, perfect.

Barbara Whaley: Just to advise the grand jury in regard to the question about the phone calls to his mother—there is an interview that was conducted with his mother as well as an interview with Miss Taylor's mother, if you wanted to hear those. Those—as far as the phone calls...

Female Speaker 1: Do they mention the (sounds like: calls)? Thank you.

Barbara Whaley: Okay, so the second interview with Kenneth Walker. Could you play that?

Recorded Kenneth Walker: (Inaudible).

Walker:

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Recording of Sergeant ...She had been messing around with some guy before. Any idea who that  
Amanda [Seelye]: was, or could have been? Who was the guy that she was messing around  
with before?

Recorded Kenneth (Sounds like: I don't know his name).

Walker:

Recording of Sergeant Did she ever talk about him? You don't know if she was involved in anything  
Amanda [Seelye]: that would've made them want to hurt her and (inaudible) the question?

Recorded Kenneth (Inaudible).

Walker:

Recording of Sergeant (Inaudible) messing with your girl. Do you know if she was involved in  
Amanda [Seelye]: narcotics or any kind of drug stuff that maybe he had used her as a, like,  
(inaudible) or scapegoat? You know, or something that would get the police  
to go and talk to her and not to him. And if she got it wrong, he gets mad and  
said, "Hey, this is the address," or...? Do you think?

Recorded Kenneth (Inaudible).

Walker:

Barbara Whaley: That ends the second interview—a very brief one. Any questions in regard to  
that—that brief one?

Male Speaker 1: Was there more that...?

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Barbara Whaley: So then, the third interview—Detective Ogg, the third interview begins at 5:19 A.M.?

Detective Ogg: Yes, ma'am.

Male Speaker 1: ...You said A.M.?

Barbara Whaley: A.M.

Male Speaker 1: What time was the second one?

Barbara Whaley: 5:14 A.M.

Female Speaker 1: Why was that one so brief?

Detective Hall: You'll find out.

Female Speaker 1: Oh

Barbara Whaley: So, we'll go ahead with the third.

Recording of Sergeant Just changed the batteries. (Inaudible). I'm sorry, my bad. (Inaudible).

Chad [Tennof]: Breonna (inaudible).

Recording of Sergeant (Sounds like: Korea).

Amanda [Seelye]:

Recording of Sergeant You said that's the cousin. And you said C-O-...?

Chad [Tennof]:

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Recorded Kenneth I think she (inaudible). She was (inaudible). Like I said, I lost my job.

Walker: (Inaudible) she was (inaudible), telling me about a position (inaudible).  
(Sounds like: I just wanted the case.) (Inaudible) that's my case, and  
(inaudible) stay there like they just transitioned to there—the place that she  
worked or something.

Recording of Sergeant So, you never noticed Breonna having people coming in and out of the  
Amanda [Seelye]: apartment? Or...?

Recorded Kenneth Definitely not. (Sounds like: She hates people.) (Inaudible).

Walker:

Recording of Sergeant Do you know the guy she messed around with? You guys are on, you're off.

Amanda [Seelye]: Did he ever come to the apartment? Can you think of maybe anything or  
anyone that would cause these people to enter her apartment? {Pause}  
She's never talked about anything she got caught up in or tied up in that  
would cause police to knock on her door?

Recorded Kenneth She was my best friend. (Inaudible) never talked about that. I talked to her

Walker: every single day so, even if she didn't tell me, I would have probably noticed if  
there was something out of the ordinary going on.

Recording of Sergeant (Sounds like: After you broke things off), were you still in contact with each

Amanda [Seelye]: other?

Recorded Kenneth Yes.

Walker:

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Recording of Sergeant So, you'd be not dating—because she was kind of dating somebody else—but  
Amanda [Seelye]: you guys would still interact?

Recorded Kenneth Yes.

Walker:

Recorded Kenneth That must've been hard.

Walker:

Recording of Sergeant It was.

Amanda [Seelye]:

Recording of Sergeant (Inaudible).

Amanda [Seelye]:

It was only like that because, like I told you, when we first met, Breonna was (inaudible). So, it was like, no matter, what, we were only friends. No matter what I'd do, she'd be there for me. (Inaudible) noticed it before she (inaudible).

Recording of Sergeant You don't know his name?

Amanda [Seelye]:

Recorded Kenneth [(Sounds like: I mean, he goes by)] (inaudible).

Walker:

Recording of Sergeant (inaudible). You guys talk a lot , you think she'd mention his name or....

Amanda [Seelye]:

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Recorded Kenneth (Inaudible).

Walker:

Recording of Sergeant ...Did you see his name on her phone? When you were on or off, did you

Amanda [Seelye]: guys date around too?

Recorded Kenneth Well, we never liked (inaudible). There was (inaudible) my phone was still in

Walker: her name. We'd be out, going into her house and she was my best friend).

She was my—outside of our relationship—(inaudible) and we're still friends.

(Sounds like: I mean, we're still) family. I still would talk to her mom, her

aunt, her sister, and (inaudible). I would talk to them when I wasn't even

talking to her sometimes.

Recording of Sergeant And they never mentioned anything about this guy, I mean like, "We don't like

Amanda [Seelye]: him"? (Inaudible). You know, because it seems like they liked you. You were

close with the family. You would talk with them though you guys weren't

dating at that moment. Had they ever said that, "This guy's not good for her,"

or...?

Recorded Kenneth (Inaudible) I don't know anything about that. I don't need to know. That's not

Walker: my thing (inaudible). (Inaudible).

Recording of Sergeant ...Her mom didn't like him?

Amanda [Seelye]:

Recorded Kenneth Nuh-uh (negative).

Walker:

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Recording of Sergeant Makes me (inaudible) so much. She was trying to push him out so you could  
Amanda [Seelye]: keep saying (inaudible)?

Recorded Kenneth I believe that I was kind of scared (inaudible).

Walker:

Recording of Sergeant Mm-hmm (affirmative). (Inaudible). (Inaudible) you being that close with her.

Amanda [Seelye]: Loving her like you do.

Recorded Kenneth (Inaudible). I figure he's no good around.

Walker:

Recording of Sergeant True. Sometimes.

Amanda [Seelye]:

Recorded Kenneth (Sounds like: When you like somebody,) it doesn't matter what anyone else

Walker: says about you. You (inaudible) for yourself, (inaudible) for yourself.

Recording of Sergeant So...

Amanda [Seelye]:

Recorded Kenneth So, it wouldn't have mattered what I said. (Inaudible). That's what she

Walker: wanted. (Inaudible) can take your (inaudible)

Recording of Sergeant Mm-hmm (affirmative).

Amanda [Seelye]:

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Recorded Kenneth (Inaudible) all my life. Like I said, (inaudible).

Walker:

Recording of Sergeant So, the mom never mentioned a name or...? You never crossed paths?

Amanda [Seelye]: Have you ever seen him?

Recorded Kenneth I'd seen him one time. It was a Friday night, (inaudible) four (sounds like:

Walker: weeks or years) ago and I took him (inaudible). One day, it was literally like he popped up over there but I never, like, saw him face to face because I was kind of on my phone and stuff. We go, like—we'd go over there and she's standing outside in the parking lot and talking to the guy while I stayed in the house. She just came back with (inaudible).

Recording of Sergeant So you never saw his name? Like, she didn't have a codename or anything

Amanda [Seelye]: on her phone that—it would pop up?

Recorded Kenneth It was actually a number. It was just a number.

Walker:

Recording of Sergeant Oh. So she really (inaudible). Do you remember what he looks like? Black

Amanda [Seelye]: guy, white guy?

Recorded Kenneth Black guy.

Walker:

Recording of Sergeant Do you know if he was from the area? Local?

Amanda [Seelye]:

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Recorded Kenneth (Sounds like: I really tried not to look too much into it because I'd drive myself  
Walker: crazy.) (Inaudible) because we have an understanding. So I (inaudible) until  
we work this out, (sounds like: figure out how it's going to be together).  
(Inaudible).

Recording of Sergeant Mm-hmm (affirmative). Okay. I was trying to figure out the reason for, you  
Amanda [Seelye]: know, the police coming.

Recorded Kenneth See, I mean, I already told you they made a mistake. (Inaudible) mistake.  
Walker: And they kept on asking me, "Well, is there anybody else in there?" I'm like,  
"No, it's just her on the ground who got shot. And they kept asking me, "Is  
there a white male in there? No there's not a white male in there. There's  
never been a white male in there." So they must have been looking for a  
white male. And I looked (sounds like: around the door. That's my  
conclusion). I'm really sorry I (inaudible). And then, when I told them there  
was nobody but me and her in there, they went after that guy and start  
(inaudible) stuff. And these guys were amped up; I could see it in their faces.  
I told you there was nobody in there but me and her, and I was just looking  
around like, "Why? Why? Why?" (Inaudible) I'm kind of scratching my head.  
(Inaudible) maybe they went to the wrong place. I've seen it on their faces.  
And there's no reason—literally, for the last four days in a row, she's been at  
work, working 12 hours a night. The last four days, I've been over there  
(inaudible).

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Recording of Sergeant In her apartment?

Amanda [Seelye]:

Recorded Kenneth Walker: In her apartment for the last four days. And today was the first day that she was off. And she was asking me whether (sounds like: she was going to) go to work today (inaudible), you know, (sounds like: last night at 11:00) if they needed somebody to come in today. (Inaudible) (sounds like: she ended up going over). {Pause} It's literally all the information I have (inaudible), I have no clue why they were at the door. And I know that they were coming to talk to me, but I heard—there was no reason for them to (sounds like: be so mean to her.) (Inaudible), kicking the door in. (Inaudible). I mean, she's never been in any type of trouble that I know of. She's never even been in jail. I just went to jail for the first time ever a couple months ago because I wrecked my car and got a DUI. And I'm in still going to court right now for that (inaudible). Other than that, I got locked up in Warren County (inaudible) in about 2011 (inaudible) That's the only other time I've ever been in jail besides the DUI. They pulled me over, whatever, you know, they took my gun), and I went to court for that. I was trying to get a concealed carry. I said (inaudible), so they said if I get a good license then they'll (inaudible) it down or whatever (inaudible). So then they gave me my gun back, so.

Recording of Sergeant Were you drinking and driving, or...?

Amanda [Seelye]:

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Recorded Kenneth Walker: Well, yeah. But that's not (sounds like: related) to this situation at all. ( was just (inaudible). I had had drinks earlier, but I got (inaudible) (sounds like: on Morristown Road). I think it was November. I just wrecked my car (Inaudible) went to jail and stayed like a day or so. I came out and (inaudible) court (inaudible).

Recording of Sergeant Amanda [Seelye]: (Inaudible) Breonna...?

Recorded Kenneth Walker: No, we don't do anything.

Recording of Sergeant Amanda [Seelye]: ...(Inaudible) any kind of recreational drugs on the side or...(inaudible)?

Recorded Kenneth Walker: (Sounds like: She doesn't do anything like that.) Like, she drinks a couple coolers or something like that. She doesn't smoke weed, doesn't smoke tobacco. She doesn't do anything. I smoke. I smoke weed and from time to time I smoke tobacco, but she doesn't do anything but drink and she doesn't do that much because she works at night.

Recording of Sergeant Amanda [Seelye]: ...Did you ever do anything more than weed? Get involved with some shady people and...?

Recorded Kenneth Walker: (Inaudible). And everybody I know (sounds like: deals). (sounds like: I've been dealing) pretty much my whole life. (Inaudible) school, played football

(inaudible) and stuff or make a deal with random people (inaudible).

(Inaudible) my dad (inaudible) grow up in the hood or anything like that.

Recording of Sergeant Any of your family members or anything involved in anything?

Amanda [Seelye]:

Recorded Kenneth Weed. (Inaudible). (Inaudible) she has nine brothers and sisters. Only two of  
Walker: them live in Louisville, and everybody (inaudible), like (sounds like: fifty) years old. My cousin (inaudible). That's my mom's sister's kids and also got her master's and doctorate degrees. Graduated from UK, Ohio State. Yeah, I think so.

Record Female 1: (Inaudible)?

Recorded Kenneth Yeah. I mean, everybody's (sounds like: older than me). (Inaudible). I just  
Walker: work. That's it.

Recording of Sergeant (Inaudible) smoke weed. Did you have any weed today?

Chad [Tennof]:

Recorded Kenneth Earlier today before we went to the Texas Roadhouse.

Walker:

Recording of Sergeant About what time was that?

Chad [Tennof]:

Recorded Kenneth About 6:00.

Walker:

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Recording of Sergeant (Inaudible) do you normally smoke weed? Is that...?

Chad [Tennof]:

Recorded Kenneth I used to smoke weed, like, a lot. But I haven't been because, for one, I'm  
Walker: trying to get a job right now. The only reason I smoked today is because I just  
took my drug test for the post office—for the other job. I took both of them like  
yesterday. I took them sometime this week. I was alone. I was drug tested  
or whatever, so. (Inaudible) three or four times.

Recording of Sergeant How many times this week have you smoked weed?

Chad [Tennof]:

Recorded Kenneth Twice.

Walker:

Recording of Sergeant What about some other—what about, like, this month? How many times have  
Chad [Tennof]: you smoked weed?

Recorded Kenneth Five or less.

Walker:

Recording of Sergeant Okay, is that five or less this month or what?

Chad [Tennof]:

Recorded Kenneth inaudible

Walker:

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Recording of Sergeant Okay, (inaudible ).

Chad [Tennof]:

Recorded Kenneth (Sounds like: I usually smoke, like,) one time a day. {Crosstalk} (Inaudible) I

Walker: get up, I go to work at 8:00 in the morning. I get off between 5:00 and 6:00.

When I get home, I get in the shower and smoke. And like...

Recording of Sergeant (Sounds like: I got you).

Amanda [Seelye]:

Recording of Sergeant When did that start? Today?

Chad [Tennof]:

Recorded Kenneth ...Smoking?

Walker:

Recording of Sergeant Yeah, like after work?

Chad [Tennof]:

Recorded Kenneth I felt like I never even smoked weed until I was about 12. I went to WKU. I

Walker: didn't smoke back when I was in high school, so. I played football, so I didn't have time to smoke.

Recording of Sergeant I gotcha. So, you went five times. We've got a long period now, then, what,

Chad [Tennof]: like 15-20 miles per hour back home?

Recorded Kenneth Yeah, same.

Walker:

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Recording of Sergeant    What about (sounds like: right now)? Just wanted to make sure you're not  
Chad [Tennof]:            like high, on weed (inaudible) right now. How are you right now?

Recorded Kenneth        (Inaudible).

Walker:

Recording of Sergeant    Did you have much alcohol?

Chad [Tennof]:

Recorded Kenneth        I had a big margarita at Texas Roadhouse but, like I said, that was at 6:00.

Walker:                    And then our friend was nice enough to take her to drop her kids off, so after  
we left there (inaudible). So we left there and took her friend—and her kid  
because she was dropping her off—and went downtown. Like I said, we  
dropped her other daughter off. We took our friend back home. We  
(inaudible) on (inaudible) road, then we came home. So we probably didn't  
get home until, like, 9:00. Maybe like 9:00. After that, so by then I wasn't  
feeling that margarita anymore. Everything was pretty—just normal. Like I  
said we were relaxed. Like I said, (inaudible) knocked on that door. We were  
asleep; I wasn't sleep. She was already asleep. I would've been asleep in  
the next 10-15 minutes.

Recording of Sergeant    (Inaudible).

Chad [Tennof]:

Recorded Kenneth        No.

Walker:

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Recording of Sergeant (Inaudible).

Chad [Tennof]:

Recorded Kenneth No. (Inaudible).

Walker:

Recording of Sergeant (Inaudible).

Chad [Tennof]:

Recorded Kenneth (Inaudible). She - I was just scared to think that I was like (inaudible) my  
Walker: gun's legal, like clearly, I was scared like I don't know anything like clearly like  
I said we had no dealings with the police or whatever so if I were to hear at  
the door it was the police it changes the whole situation—there's nothing for  
us to be scared of. Like we were literally on (inaudible) no reason to be  
looking for me so there was no reason why we would hide. The only reason  
maybe is because we didn't know who it was. So if we knew who it was that  
would never happen. The only reason I even said it sounded like it was about  
the ex-boyfriend or whatever like I said I can't for the life of me imagine why  
anybody would be knocking on the door at this time (inaudible) like what other  
- I just don't - there's no possible scenario for anybody to be knocking on the  
door like that at that time of night you know then for it to be that hard and that  
loud without revealing who you are like it's the middle of the night to be  
knocking on the door (inaudible) not saying who they are you know, what are  
you going to do? (Inaudible).

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Recording of Sergeant True.

Chad [Tennof]:

Recorded Kenneth (Inaudible). Who is it? We don't know who it is then the door flies open.

Walker:

Recording of Sergeant You had the TV on and you were watching TV. Was the TV loud?

Amanda [Seelye]:

Recorded Kenneth It was already 12. She didn't like the TV loud as loud as she was they should

Walker: have been able to determine this. No, it wasn't that loud.

Recording of Sergeant (Inaudible). So she was lying there with herself?

Chad [Tennof]:

Recorded Kenneth No. She was asleep she has probably been asleep for like 10 minutes

Walker: because she wanted to watch that movie and she fell asleep.

Recording of Sergeant Yes, I hear you. Was there anything at your apartment relevant to the

Chad [Tennof]: investigation?

Recorded Kenneth No, like I literally don't understand this at all. They had no reason like I don't

Walker: understand at all. Like knocking on her door unless it was a mistake.

(Inaudible) why were they at the door and nobody had answered.

Recording of Sergeant (Inaudible).

Chad [Tennof]:

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Recorded Kenneth Walker: I know it was a mistake they kept saying a white male like we were hiding a white guy (inaudible).

Recording of Sergeant Amanda [Seelye]: Did she ever mess around with anybody other than you?

Recorded Kenneth Walker: No.

Recording of Sergeant Amanda [Seelye]: She didn't have like have friends?

Recorded Kenneth Walker: No, not besides the ones she worked with. Like she talks on the phone with them while she's at work but has never seen them outside of work. A co-worker (inaudible).

Recording of Sergeant Amanda [Seelye]: Mm-Hmm (affirmative). So you don't think she ever messed around with someone that she said was a friend?

Recorded Kenneth Walker: No.

Recording of Sergeant Chad [Tennof]: (Inaudible).

Recorded Kenneth Walker: About that guy she was talking to that's not here. He seemed real apologetic.

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Recording of Sergeant Who was that?

Amanda [Seelye]:

Recorded Kenneth Walker: The guy who claims he was an officer. He pulled over onto the interstate into a random parking lot. Another female cop came up and pulled next to him.

Us and the car was going this way so we're facing this way and she's facing that way. He walks right past us. He tells the lady she need to get out of the car I was rolling down my window then he asked me my name and I think he ran my social security number I asked him what she did he said we will discuss that in a second (inaudible) but he was like talking to us like there'd been a big misunderstanding here tonight. I was like what do you mean? Well that's when I asked again what she did. He said we'll talk about that in a minute and he just walked away. That the first officer who - he seemed apologetic when I said all we like to each this this each that like I don't know like whatever he was saying.

Recording of Sergeant (Inaudible). He thought you were still on the scene and you were coming

Amanda [Seelye]: here, but I don't know if that's what he meant because I wasn't there but I know (inaudible).

Recording of Sergeant If you can think of anything else to tell us, let us know. All right? (Inaudible).

Chad [Tennof]:

Recorded Kenneth All right.

Walker:

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[End of recording]

Barbara Whaley: That concludes the third interview with Kenneth Walker. Are there any questions or...?

Detective Ogg: Yes, Ma'am.

Female Speaker 1: Is it normal to raid somebody (inaudible) I mean because they - I mean they read their Maranda Rights in like seven minutes and 45 seconds (inaudible).

Detective Ogg: Well you can talk to them a little bit before you do it but usually it's done - it doesn't have to be done right in the beginning, you can do like questions or conversations just kind of get to know each other. She admitted she made a mistake that she shouldn't have done.

Female Speaker 1: Okay, so he's in custody throughout these interviews?

Detective Ogg: He's been detained. I don't know at what point he was in custody.

Male Speaker 1: At one point they stopped looking at the first interview?

Detective Ogg: I think that was at the first part - from my understanding they just took photographs of him because they went to go do—from what I understand from the transcript—they went to go check on some more information and then the crime scene technician came in and photographed his clothing and everything. I don't know at what point he was taken into custody, officially.

Barbara Whaley: Anything else?

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Male Speaker 1: Was he asked to take a lie detector test?

Detective Ogg: I don't - we don't have that information. It wasn't made in any of these interviews which...

Barbara Whaley: Okay. Detective did you obtain a copy of that interview done by the Public Integrity Unit of the SWAT Commander Lieutenant Dale Massey?

Detective Ogg: ...Yes, ma'am.

Barbara Whaley: Who arrived on scene at Springfield after? And you have that today?

Detective Ogg: Yes.

Barbara Whaley: Lieutenant Dale Massey interview.

Recording of Sergeant Yates: Sergeant Yates Integrity unit today's date is Tuesday, May 19, 2020, and it's 1300 hours. (Inaudible) office this is a first segment for Lieutenant Dale Massey (inaudible) case number 20-019 (inaudible) Lieutenant Dale Massey the attorney is not present. (Inaudible). Lieutenant, are you aware that this statement is being videoed or audio recorded.

Recording of Lieutenant Dale Massey: Yes, I am.

Recording of Sergeant Yates: Does this meet with your approval?

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Recording of                      Yes, it does.

Lieutenant Dale

Massey:

Recording of Sergeant      Sir, please state your full name and spell your last name.

Yates:

Recording of                      Larry Dale Massey JR, M-A-S-S-E-Y.

Lieutenant Dale

Massey:

Recording of Sergeant      Sir what is your badge number?

Yates:

Recording of                      2459.

Lieutenant Dale

Massey:

Recording of Sergeant      And where do you currently reside?

Yates:

Recording of                      SWAT operation.

Lieutenant Dale

Massey:

Recording of Sergeant      How long you been there?

Yates:

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Recording of                      Three and a half years.

Lieutenant Dale

Massey:

Recording of Sergeant      And how long have you been on the force?

Yates:

Recording of                      19 years.

Lieutenant Dale

Massey:

Recording of Sergeant      Are you under the influence of drugs or alcohol or any other substances?

Yates:

Recording of                      No, I'm not.

Lieutenant Dale

Massey:

Recording of Sergeant      Are you taking any medication that would affect your judgment or your ability

Yates:                              to think clearly?

Recording of                      No.

Lieutenant Dale

Massey:

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Recording of Sergeant Yates: So, this form (inaudible) CED doc 326 on obligation of the criminal investigation, not an (inaudible) investigation. However, you are a subject of this investigation and (inaudible) statement (inaudible).

Recording of Lieutenant Dale Massey: Yes, I am.

Recording of Sergeant Yates: So, what this is in reference to is (inaudible) the 13 at 3003 Springfield Drive third division in (inaudible) in a review of body cam footage in forward investigation (inaudible) obviously SWAT to respond to that location and clear it, secure it if you will, (inaudible) in reviewing some of the documentation provided to us by CID, we did not receive an operation plan. So one of the questions we wanted to see if you asked were - I know you all have (inaudible) search warrant because I know there are multiple search warrants served at night. Is it, some of the information you walk out of there with from the briefing, what information were you all provided for that night?

Recording of Lieutenant Dale Massey: Yes, back track, so we are (inaudible) information (inaudible) got there by accident (inaudible) SWAT operation. Sergeant Cassey, Sergeant (inaudible) (inaudible) Sergeant Hankinson. (Inaudible) multiple locations (inaudible) day two and next day there was issued (inaudible). Fast-forward (inaudible) two addresses over on (inaudible) both decent, one is vacant bird house (inaudible) is during the briefing we were able to (inaudible). (Inaudible). There was like 10 or 12 people in this house. So, I'm (inaudible) in the middle of both locations and I just surveilled what's going on. We're out (inaudible)

door, calling people out, everyone (inaudible) over here (inaudible) shots fired. (Inaudible). Springfield, get to the address and also (sounds like: I'll shoot him). (Inaudible) so we talk about, you know, again, back and forth (inaudible). (Inaudible) kind of (inaudible) Sergeant Myers, Sergeant Cassie, Sergeant (inaudible). There was about 10 of us. (Inaudible) in Springfield. (Inaudible) kind of situations (inaudible) first if (inaudible) get there and (inaudible) to the side of the car, the driver side. Now I see, to my right, a lot of police cars and when I - I (inaudible) directly with the door, the sliding glass door, then I see Lieutenant Hoover (inaudible) so, we kind of (inaudible) shooters, a 1015, he's already here. He said there's a female inside, something like that. Again, I can't see past the car, you know. (Inaudible), to that effect, I was really confident that there was (inaudible) more resistance in the house (inaudible) trying to check on the dead possible female. Right. So (sounds like: deposition) (inaudible) so, I was talking him talking to make his shot get there (inaudible) shooting out the window at the police or at the door, she said. Get some more intel, sent a team up there (inaudible) two officers, check their rifles out (inaudible) still (inaudible) nothing (inaudible) get (inaudible) together and go up, go inside, we didn't go (inaudible) inside and (inaudible) hallway and see (inaudible) about. I mean, there was (inaudible). Sergeant (inaudible) come back out, it was all clear, it was all so (inaudible) sided, there (inaudible) out, another window, there was a white guy that (inaudible) so that guy back there is fine. Obviously we (inaudible) try to investigate when we get there, try to slow everything down try to find the

(inaudible) best as we could and (inaudible) the best we could. But  
(inaudible) we had no idea (inaudible) apartment.

Recording of Sergeant (Inaudible) as far as the information that you guys received, did you all receive  
Yates: the search warrant and...

Recording of Yeah, \_\_\_\_\_ (inaudible (inaudible)  
Lieutenant Dale  
Massey:

Recording of Sergeant (inaudible)  
Yates:

Recording of (Inaudible) \_\_\_\_\_.  
Lieutenant Dale  
Massey:

Recording of Sergeant And \_\_\_\_\_, what significant, if any, information that are beyond  
Yates: \_\_\_\_\_?

Recording of This case, not so much because we'd been to this house before  
Lieutenant Dale \_\_\_\_\_, four or five times \_\_\_\_\_, so we do  
Massey: \_\_\_\_\_ information \_\_\_\_\_ but through most  
\_\_\_\_\_ free, we'll get updates and people are in and out.  
I mean, this \_\_\_\_\_, so nothing stood out other than  
possible \_\_\_\_\_ later down the road, we got \_\_\_\_\_ two

locations \_\_\_\_\_ happens, just, the house \_\_\_\_\_ for \_\_\_\_\_.

Recording of Sergeant Yates: As far as Springfield goes, you know, once you make it over there, you guys, you know, make it safe and secured for us, (Inaudible) you know, how long had you been on the scene after that occurred?

Recording of Lieutenant Dale Massey: After we \_\_\_\_\_ secure. \_\_\_\_\_ 10-15 minutes, just long enough to ensure everybody on sight was safe - that there were no other threats to the police or civilians. I said something – a couple things that maybe \_\_\_\_\_ out, that's when officers figure out who did what, and I said, (inaudible) consider a couple things. So probably 10-15 minutes.

Recording of Sergeant Yates: Now did you get any information, as far as, you know, that incident after you – you guys went out and while you were still around?

Recording of Lieutenant Dale Massey: Yeah, so originally when I was there, Detective Hobbes provides the best intel, the best information of anybody who was there here in the (inaudible), so I assumed this (inaudible) okay? So, I know that was involved. While we were on scene, we learned \_\_\_\_\_ was involved in it, but I had no idea he's one of the \_\_\_\_\_ into the course of {clears throat} Sorry (inaudible) at the window and Officer \_\_\_\_\_ over and kind of motion like that, like \_\_\_\_\_. So, I (sounds like: enter) on scene, and it became pretty apparent to us what we thought happened as far as what happened (inaudible) at this point (inaudible) windows and doors.

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Recording of Sergeant Yates: You said you learned that Cosgrove was involved. Did he tell you that or were you told from others about...

Recording of Lieutenant Dale Massey: (Inaudible) was like, I said (inaudible) basically he was still in the mix -\_get him separated from everybody.

Male Speaker 1: Who told you that?

Recording of Lieutenant Dale Massey: I don't remember. I may have (inaudible)

Male Speaker 1: And was he \_\_\_\_\_?

Male Speaker 2: I don't think so.

Male Speaker 1: Okay.

Recording of Lieutenant Dale Massey: Like I said, so we're all there, and it's obviously, like I said before, but I do remember separating them --I think we've \_\_\_\_\_, "Hey, separate him, he's involved, he was (inaudible).

Male Speaker 2: (Inaudible)

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Recording of Lieutenant Dale Massey: LT, going back to the briefing, I know there were two (inaudible) they talked about one (inaudible) decided, (inaudible). There was no mention of Springfield. During our investigation, we've learned, up to this point, for information provided by [sounds like: C\_NE], that Springfield was directly related to (Elliott).

Is it common with the amount of warrants you do for [sounds like: C\_NE] and other, I guess, units, if you have a sight that is linked to other sites, would that be briefed during that timing?

Recording of Lieutenant Dale Massey: (Inaudible) It kind of depends (inaudible) We treat safety very importantly, right? (Inaudible) our priorities are safety, right? So there's this understanding that we're not going to rush in\_(inaudible)so with the time our tactics change as well, so they should definitely let us know (inaudible) as far as (inaudible) so we can provide assistance and in a case like that (inaudible) Springfield (inaudible)let us use (inaudible) or if you all (inaudible) so that we can support them. You know, from (sounds like: CIA), I don't know how (inaudible) they do a year, because(inaudible) but we all try to just push for the safest way we can do (inaudible), if that makes sense. So, (inaudible) definitely (inaudible) .

Recording of Sergeant Yates: Okay.

Yates:

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Recording of Lieutenant Dale Massey: And back to that point, I guess that, that Elliott was meant to (inaudible). I guess those were two targets.

Recording of Sergeant Yates: Was it known at the time the targets were at that location or were there unknowns where...

Recording of Lieutenant Dale Massey: I want to say there were two main targets (inaudible). I want to say that they (inaudible). I reckon, too, that (inaudible) location and one (inaudible) targets. It seemed like there was three or four targets. I think one was the house, I think two (inaudible)\_first (sounds like: residence, With the timing of that—and I don't know which one was the main target versus the secondary target, (inaudible) they provided like three or four different names.

Recording of Sergeant Yates: Okay. You mentioned an email to Sergeant Cassey about Springfield and, I guess, he may have more intimate knowledge of that but was that around the same time that other (inaudible) month prior to.

Recording of Lieutenant Dale Massey: Well, I was on conference call with Colonel (inaudible) and myself talking about injuries and sensitive (inaudible) from it because I think there was some – I heard some things (inaudible) initially (inaudible) said SWAT after (inaudible) communicate effectively (inaudible) across my (inaudible)\_. That was the first time I was ever made aware (inaudible) happened, but I don't think I ever received (inaudible). If we did, it was (inaudible) so (inaudible) brief tell us there's a subsequent meeting,(inaudible). We're not going to – we're going to (inaudible).



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Recording of Sergeant Okay. Colonel Chase provided that.

Yates:

Recording of I was (inaudible)

Lieutenant Dale

Massey:

Recording of Sergeant Okay, so (inaudible)...

Yates:

Recording of She brought it to my attention that this email existed 30 days ago, March – not

Lieutenant Dale 30 days (inaudible)

Massey:

Recording of Sergeant (Inaudible)

Yates:

Recording of March 13<sup>th</sup>?

Lieutenant Dale

Massey:

Recording of Sergeant March 13<sup>th</sup>.

Yates:

Recording of (Inaudible) March two or three weeks. (Inaudible) That was the first time

Lieutenant Dale ever. I reckon Springfield\_(inaudible)

Massey:

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Male Speaker 1: Does she have (inaudible) anything (inaudible)?

Recording of  
Lieutenant Dale  
Massey: Yeah. As far as (inaudible)

Male Speaker 1: I mean, clearly you had some concerns that night. Did you - one did you voice them (inaudible) to that night to anyone? (inaudible) if any?

Recording of  
Lieutenant Dale  
Massey: We talked (inaudible)\_ as a team. Figuring at some point body cam footage (inaudible). I think we were the most unaffected(inaudible). Obviously, we were (inaudible) because we'll assess the situation, process information that would slow things down.

Barbara Whaley: Mm-hmm (affirmative).

Recording of  
Lieutenant Dale  
Massey: So, we talked about it (inaudible) yeah 100% and, you know, that's why I was (inaudible) our priorities are people from \_\_\_\_ where, I get it, so that's why we lose some, that's why we (inaudible) our actions. You know going back to the no-knock thing(inaudible) people that (inaudible) So, if we get a no-knock order, (inaudible) you know what we do? We knock, (inaudible) okay? The only time we'll do a no-knock order is if (inaudible) charges (inaudible) and you can't make announcements, right? (inaudible) can't make announcements, alright? And we (inaudible) can take the extra step as a (inaudible) get to the (inaudible) initial danger of the brief.

Recording of Sergeant Yates: Well, that's absolutely right. Did you tell [sounds like: CIE] a number that -  
\_did you tell CIE that you are requesting a no-knock on the door?

Recording of Lieutenant Dale Massey: I did not. We (inaudible) [sounds like: Elliott] drug sales, a (inaudible) house.  
We (inaudible) \_ secured, so back at the house, (inaudible) checked  
(inaudible)

Recording of Sergeant Yates: And had you known that CIE was going to serve that warrant on Springfield,  
would you advise them no, not to do that?

Recording of Lieutenant Dale Massey: I would advise them 100% to do it. To get done what we need to do. Like I  
said, we came here to {beeping}.

Recording of Sergeant Yates: (Inaudible)

Recording of Lieutenant Dale Massey: (Inaudible) single (inaudible). So if she was at (inaudible) which I never saw  
that (inaudible), so I can't speak to what the waitress saw. (Inaudible) a  
higher level of force, so we can't do every single warrant the \_way we do  
(inaudible) "Hey, wait until we're done we'll respond to you (inaudible) team or  
give them alternative options." We can send four or five guys over there  
after(inaudible) because if the warrant's for (inaudible) which is my  
understanding of what it was, is – because people (inaudible) police now. So  
we generally (inaudible)

Recording of Sergeant Yates: And not to beat a dead horse but the breaking (inaudible), there's no (inaudible) Springfield so is it safe to say no matrix or ops (inaudible) any (inaudible) or no knowledge whatsoever about the warrant being conducted at the same time as the Springfield...

Recording of Lieutenant Dale Massey: No, there was (inaudible). I've never seen a direction from CIE that we (sounds like: did wrong). That's an (sounds like: awesome or officer) thing. That's not a you all thing but we – I never \_\_\_\_\_(inaudible)

Recording of Sergeant Yates: What about (inaudible) Did you all receive one of those?

Recording of Lieutenant Dale Massey: No.

Recording of Sergeant Yates: So nothing (inaudible) still added to this point?

Male Speaker 1: I'm sorry, (sounds like: who?)

Recording of Sergeant Yates: What about at Elliott? Did you receive one of them?

Recording of Lieutenant Dale Massey: So, we did (inaudible) house (inaudible) going back to the (inaudible) okay, so I would say it first (inaudible) because our plan process is (inaudible).

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Male Speaker 1: (inaudible)

Recording of Lieutenant Dale Massey: As long as they bring a warrant and the matrix, (inaudible) ourselves, because we'll also be (sounds like: guessing).

Massey:

Recording of Sergeant Yates: Okay. Back at Springfield, when you all were you had mentioned something, when you first arrived on the scene, it was your initial thought that officers were receiving fire through the sliding glass door...

Recording of Lieutenant Dale Massey: Yes.

Lieutenant Dale

Massey:

Recording of Sergeant Yates: Can you kind of expand on that a little bit?

Yates:

Recording of Lieutenant Dale Massey: Yeah. So, as we were getting there we hear that(inaudible) so my assumption was that when I thought - what I thought to be exit - initially exit bullets could be windows or sliding glass door --well, I said, "Okay, well that's where the shots(inaudible) So, they come straight (inaudible) those rounds after three-four minutes, they came from outside, so those rounds that went inside and I thought initially were coming out were actually going in the apartment.

Recording of Sergeant Yates: Okay.

Yates:

Male Speaker 2: And you may or may not remember this, (inaudible) beyond that sliding glass door, do you remember – were there shades or anything over that door or could you see into the apartment?

Recording of Lieutenant Dale Massey: I (sounds like: could see) through the apartment. I want to say there was those white vertical blinds but I could hardly (inaudible) there and that (inaudible). I mean – because we couldn't even see (inaudible) officers, just like I said just the white vertical blinds

Recording of Sergeant Yates: Okay.

Male Speaker 2: And in your officer training experience and training through the department, is it pretty much (inaudible) you were trained that you had to identify the target as far as training, and just kind of through your continued training?

Recording of Lieutenant Del Massey: Yeah, I would say that I've had a lot of education. I know (inaudible) as far as firing your weapon. A hundred percent, like you have to know (a) who you're shooting at, (b) what's in front of you and what's behind you. There's no other way you can (inaudible).

Recording of Sergeant Yates: Okay.

Male Speaker 2: This is a question I'm not sure you can answer or, you know, (inaudible) but, you know, since you got a lot (inaudible) experience—if someone is to fire a

weapon in an illuminated area into a darkened area, would that muzzle flash project into that dark area?

Recording of  
Lieutenant Dale  
Massey: (Inaudible), are you (inaudible) fire a gun that you could (inaudible) but you definitely have to put that safety on (inaudible). Because, like I said, initially when go outside then we'd go over and we saw the door and (inaudible) more information (inaudible).

Male Speaker 2: And one more question. So, this table is about 36 inches wide and the entry door of this apartment is 36 inches. Well, the biggest entry door they have. Is it practical or is it (inaudible) for—not the SWAT team, clearly SWAT personnel have different tactics—but for any, you know, CIE and investigative unit, when they serve and enter into the house, would it be common for three people to be in what we consider the (inaudible).

Recording of  
Lieutenant Dale  
Massey: Absolutely.

Male Speaker 2: So, you – your \_\_\_\_\_ years, have you ever seen where someone is punched out like this? (inaudible) punched out maybe behind the (inaudible) and there's a third person between the first line (inaudible) come to, have you ever seen that?

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Recording of                      No. No. Not even (inaudible)

Lieutenant Dale

Massey:

Male Speaker 2:                But you didn't, you know, in your experience and just – I know that experience inside (inaudible) Have you ever seen anyone (inaudible)

Recording of Sergeant        Back to the scene as you mentioned when you arrived you learned Detective  
Yates:                              Cosgrove, after he fired his weapon, I think you might of said (inaudible)  
advised someone that he should probably be secured – who was that?

Recording of                      Lieutenant Hoover because it was kind of (inaudible) separated. He's too –  
Lieutenant Dale                he was too involved in what was going on. We went there, he needed to be  
Massey:                              off to the side and out, emotions, adrenaline, you know. He had the best intel  
(inaudible)

Recording of Sergeant        Okay, so at that point, the nature of the division...  
Yates:

Recording of                      He was already on scene when I got there. (inaudible) situations in the  
Lieutenant Dale                (inaudible). By the time I got there, there was – he was there, there was  
Massey:                              probably seven to eight police cars. (Inaudible)e \_\_\_\_\_ come from  
\_\_\_\_\_by Elliot all the way through (sounds like: Wire) Grove. (inaudible)

\_\_\_\_\_ Other than how it (inaudible) the department set out with officers \_\_\_\_\_,  
detectives, sergeants, lieutenants, majors and \_\_\_\_\_, Lieutenant  
Hoover would have been in charge of that activity or that warrant.

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Recording of                      Correct, he was...  
Lieutenant Dale  
Massey:

{Cross talk}

Recording of                      ...\_\_\_\_\_ he was there for the beginning of it. I'm trying to think.  
Lieutenant Dale                (inaudible)...  
Massey:

Recording of Sergeant        Okay.  
Yates:

Recording of                      {Coughs} I'm sorry.  
Lieutenant Dale  
Massey:

Recording of Sergeant        Just a few more questions, okay?  
Yates:

Recording of                      Sure.  
Lieutenant Dale  
Massey:

Recording of Sergeant        Okay. Are there any other questions that we have not asked you or any other  
Yates:                                information you have that may be beneficial to this case?

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Recording of Lieutenant Dale Massey: {Pause} I mean, just based on what we saw that night, any investigation, just the—and that's (sounds like: what I was going to ask you)— like I said, with my guys, we just got the feeling that (inaudible) you know, something would happen and that is only an indication. we don't think we did \_\_\_\_\_ of what we saw, how we complete the thing because we want everybody to be safe that's our ultimate goal is we don't want we don't want us to get hurt, innocent people or even the bad guys (inaudible) (sounds like: \$40,000) it, anybody else (inaudible). As we (inaudible) just egregious act. I mean, from (inaudible). It is what it is, just doesn't (inaudible) (sounds like: ramifications) (inaudible) for those rounds of shots anymore.

Male Speaker 2: You follow?

Recording of Sergeant Yates: On Elliott, who was in charge other than you all? Can you think of any command who was in charge down there from CIE or...?

Recording of Lieutenant Dale Massey: Sergeant (inaudible) was there, I don't remember, was (inaudible) there? I don't think he was. I know, I think, (inaudible) would have been there, I think she was (inaudible) I don't know if (inaudible) was over by (inaudible) the only person that I recall (inaudible) he was the only person that he, for a fact, was there and (inaudible) cars. So, I know (inaudible).

Recording of Sergeant Yates: Okay, which is \_\_\_\_\_ lead investigator...

Yates:

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Lieutenant Del                      No, no, no, no.

Massey:

{Cross talk}

Recording of                      (inaudible)

Lieutenant Dale

Massey:

Recording of Sergeant      Okay. Is there anything you want to say for the record before we end?

Yates:

Recording of                      No.

Lieutenant Dale

Massey:

Recording of Sergeant      Is everything you told true to your best knowledge?

Yates:

Recording of                      Yes.

Lieutenant Dale

Massey:

Recording of Sergeant      We are now completing (inaudible) 13:29.

Yates:

Female Speaker 1:              {Laughing}

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Detective Ogg: Yes, ma'am.

Female Speaker 1: He said 20, 21<sup>st</sup> of Elliott before they got there?

Detective Ogg: 24<sup>th</sup>.

Female Speaker 1: 24<sup>th</sup>?

Detective Ogg: Yes, sir.

Male Speaker 3: He speaks really fast.

Detective Ogg: Yes, he does

Male Speaker 3: (inaudible)

Detective Ogg: Yes, we do.

[cross talk]

Male Speaker 3: I was curious. If he gave an explanation of a no-knock policy or (inaudible)?

Recording of Sergeant I think he gave an explanation of his.

Yates:

Male Speaker 3: Yes. (inaudible) I was kind of curious as to how they approach that.

Recording of Sergeant Well, (inaudible) looking it up. You had a question? Yes, ma'am.

Yates:

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Female Speaker 1: I have a question (inaudible).

Sergeant Yates He spoke really fast. Let's get this one. Let's get this one. The last part I just want to (inaudible) he said they asked him all these questions he said that I mean he can replay it. He speaks so fast I don't (inaudible).

Female Speaker 1: Inaudible sounds very slurred. [cross talk]

Male Yes he spoke way too fast.

Male We can always come back to it.

Female Speaker 1 \_\_\_\_\_ next \_\_\_\_\_

Male Wait, wait, wait, I didn't (inaudible) .

Male I'm sorry I should have done that.

Detective Ogg: Okay listen please, please now this is reference to the no-knock. Okay we talked about it internally, yeah, 100%. I'm - you know that's why I kind of - our priorities are people that's why we move slower, that's why we mitigate our actions. Now going back, I know it's really big in the media being - thinks no-knock warrants. If they provide me with a no-knock warrant you know what we do? We knock and announce. Okay, the only time we will do a no-knock warrant is if – he says something if were blank 1. If we're doing explosive breach charge at the breach point where you can't make announcements like and we usually reserve those for homicide suspects. So we even take the extra step – hey it's a no-knock warrant - even though it's a no-knock warrant

that we're still going to knock and announce our presence just because of the initial danger at the breach point.

Female speaker                      Okay and this warrant was executed according to the investigation detective where there is actually a photograph of the white board?

Detective Ogg:                      Yes.

Female Speaker 1                      Where it is stated knock and announce?

Detective Ogg:                      Yes.

Female Speaker 1                      For the Springfield, correct?

Detective Ogg:                      Yes, that's correct.

Okay, yes?

Female 3                                  I don't know if the timing's correct, but I know it's around 27.45 right after he talks about was the group in the previous act and then something about justification. [cross talk]

Detective Ogg:                      While she's doing that, this may help you. We will get back to that. I'm going to read this like - we're going back to it – the 16<sup>th</sup>. Okay, actually it's the same one. He asked, "Are there any other questions we have not asked or you or any other information you have had that may be beneficial to the case"? This is Lieutenant Massey. I mean just based upon all that we saw that night not having been privy to any of the investigation just the umm not so much my interaction with Detective Hankinson but with my guys, we just got to feeling

that night that, you know, something really bad happened and that the target and identification we don't think and, again, we didn't do the investigation - just based upon our initial what we saw and what we were told, kind of how we played the whole thing because we want everybody to be safe, right? That's our whole ultimate goal is we don't want us to get hurt - innocent people or even the bad guys. I mean. If no one's got to die we don't have to die. Fourteen thousand dollars isn't worth it and the amount of (inaudible) isn't worth it either. As we debriefed and kind of looked over it was just an egregious act. I mean, from my perspective if that's in fact what happened, have other details come to light and it is what it is. This just seemed like there was no target identification whatsoever for those rounds that were shot outside the apartment.

Male Speaker 3            Those would be the shots in the window.

Male Speaker 2            He's referring to Detective Hankinson.

Judge                        He said no target identification not justification?

Detective Ogg:            Yes that's correct, your Honor.

[cross talk] Yes, that's correct.

Male 2                        When you were discussing – when you were talking about the blinds, did he you said he (inaudible). [cross talk]

Judge                        Page 13 line 560

Detective Ogg: Okay, vertical blinds – this is Lieutenant Massey: I could not see anything in the apartment. I want to say it was those white vertical blinds, but I could be wrong. It was something. There was definitely a white barrier in that and you couldn't see in any of the windows like there that I could see I mean cause we couldn't even see any light or darkness. It was just like I said just the white. I believe they were vertical blinds.

Question 1: This is a person I'm not sure you can - this a question I'm not sure you can answer. You are the appropriate person to ask this, but you know since you have a lot of this training and experience.

If someone is to fire a weapon in an illuminated area, into a darkened area will that muzzle flash project into that dark area? If it's covered by cloth windows and stuff, no you wouldn't see anything.

Male Speaker 2 This was this is directed at Hoover, but it basically just trying to get the gist of what he's saying - not saying that this is the way everybody does it or that this is the only way to do it, but I guess is he implying that if someone is involved in this they should be separated from once swat goes in and is checking everything that they should be removed and not...

Detective Ogg: Yes, but best practice is anybody involved in a shooting like that should be separated...

[cross talk]

Yeah, yeah, yeah. Best practice is - and that's what he's saying is Cosgrove is still giving briefings and talking to and Lieutenant Massey tells someone - and he can't remember who - that he needs to be separated. Cosgrove needs to be separated from...

Female 2                    So he made a comment that someone needed to do about (inaudible) warrant or (inaudible) or in SWAT only or both?

Detective Ogg:            Both.

Female 2                    I figured both. This is their normal...

Detective Ogg:            Well in SWAT from what he said serves the higher rescue warrants. He wasn't - apparently, according to his statement, wasn't aware of Springfield occurring at that time, but he was against (inaudible) just wait till we get there to assist.

Female 2                    They did say they were all in the same briefing. [cross talk]

Detective Ogg:            But if you remember Lieutenant Massey says he doesn't remember during the briefing Springfield coming up. But they had a separate SWAT brief. [cross talk] Two separate briefs. [cross talk]

Yes, sir?

Male 4                      The lieutenant from the SWAT if I'm right he was - they actually have a procedure of how to enter for no-knock. It was his statement that he felt like they should have waited for SWAT to deploy that procedure.

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Detective Ogg: But they were going to - the detectives were not going to - they all agreed that it was not going to be served as a no-knock.

Male 4 But what I'm getting at is there is a procedure.

Detective Ogg: Well it's SWAT's procedure.

Male 4 SWATS procedure, okay.

Detective Ogg: Ma'am, did you have something? Yes, Sir?

Male 5 (Inaudible) mention the matrix and I was assuming that is a risk matrix or you do a risk assessment before the entry?

Detective Ogg: Speaking generally, yes. I don't know the specific standards or what they look for, but yes.

Male 5 That's the procedure?

Detective Ogg: Yes, that's Louisvilles.

Male 5 They go through what could go wrong and what will go wrong.

Detective Ogg: Who's there, anybody – I would assume anybody who has possible weapons.

Male 5 Then they assign the risk assessment to that - a number or something to that to try to figure out whether it's high risk or minimal.

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Detective Ogg: Exactly, whether they need to involve SWAT or whether it's a lower level of threat.

Male 5 He did confirm that he did not see (inaudible)

Detective Ogg: That's correct.[cross talk]

Female 3 Well basically he was briefed two weeks prior, right?

Detective Ogg: Yes, there was an email that originally said 30 day's prior but then later on it said maybe 2-3 weeks prior.

Female 3 The briefing would have been (inaudible) since it was only issued the day before. So for the briefings SWAT had their own but were they included in the everybody briefing.

Detective Ogg: My understanding is, yes.

Female 3 Okay.

Detective Ogg: Because that's the way

Female 3 You should have had something that mentioned Springfield in the everybody briefing he, theoretically, should have been in there and should have heard about that.

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Male 5                      Well if Lieutenant Massey – I think on theory – Lieutenant Massey said he was at the briefing. He says he doesn't recall Springfield being brought up but then one of the interviewers said Springfield is connected to Elliott, correct?

Detective Ogg:            He may have, but we we were trying to focus on Springfield.

Male 5                      So his assessment was Springfield and he didn't even have any of his people at Springfield?

Detective Ogg:            Well, according to him, he didn't know Springfield was going on. [cross talk]

I need a break

Detective Ogg:            Say again? Okay, break time.

So we will uh take a break now. So we will go off record.