



**Grand Jury Transcript
September 22, 2020
Recording #4¹**

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”).

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Female Voice 1: Okay, we're back on record now 2:31 PM and Detective Ogg is still testifying. Detective, earlier I believe yesterday you presented one of the body camera footage of Sgt. Brandon Hogan.

Jeff Ogg: Yes ma'am.

Female Voice 1: Sgt. Hogan was leading the SWAT team that actually entered the apartment and cleared?

Jeff Ogg: That's correct, yes.

Female Voice 1: And was he subsequently interviewed by the Public Integrity Unit?

Jeff Ogg: Yes ma'am.

Female Voice 1: And you reviewed that interview?

Jeff Ogg: Yes.

Female Voice 1: The transcript of it?

Jeff Ogg: Yes.

Female Voice 1: Was Sgt. Hogan specifically asked a question by the interviewer regarding the shooting through the glass door with the blinds and curtains and whether or not that would be something proper?

Jeff Ogg: Yes he was asked that question. Yes.

Female Voice 1: Okay would you read the question asked of Sgt. Hogan and then his response?

Jeff Ogg: Yes. This was part of an interview with Sgt. Hogan on March the 20th. Question: "And not really specific to this situation but as a SWAT operator given certain circumstances, if you're in a position where you cannot see in into a building because of curtains, blinds, things like that, how as a SWAT operator would you address that situation? I know it's kind of open ended. Would, if you can't see in there as a SWAT operator, would you shoot into a window to where you can't see or a door?" Sgt. Hogan's response: "No. As you all know, you're accountable for every round. If you do not have good target ID, identification, and ID that they are a threat, you cannot

shoot. That's basic academy stuff. In regard to shooting through a window and stuff like that, even on like patrol or whatever, whatever position you may be in, you still cannot fire into an unknown. You don't know what's behind it. You don't know if there's kids, there's whatever. People that you know that aren't supposed to be there that are friends. You have to have good target identification and to make sure they are a threat before you can actually put rounds on that person."

Female Voice 1: Okay. That's all. Now you discussed and we listened to the interview yesterday with Detective Cosgrove. That was conducted back in March and did you yourself conduct an interview with Detective Cosgrove?

Jeff Ogg: Yes ma'am.

Female Voice 1: And when did that happen?

Jeff Ogg: That was September the 18th.

Female Voice 1: Was that interview recorded?

Jeff Ogg: Yes ma'am.

Male Voice 1: (Inaudible)

Female Voice 1: Would you play that interview at this time?

Jeff Ogg: Yes.

{Crosstalk}

Jeff Ogg: No we did this on the 2nd.

Male Voice 1: Okay.

Female Voice 1: The one yesterday was the one conducted in March.

Male Voice 1: You said it was what day?

Jeff Ogg: September the 18th.

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Male Voice 1: Did we listen to another one that you conducted? (Inaudible).

Jeff Ogg: Tony James. That was with detective Tony James.

Male Voice 1: All right.

Jeff Ogg: That was on September 11th, Tony James.

Male Voice 1: Okay.

Female Voice 2: Sorry but (inaudible) March. Do you remember the date?

Jeff Ogg: 18th.

Male Voice 1: Is that the one in March?

Jeff Ogg: I'm sorry. First interview with Cosgrove was March 25th. The interview I conducted with Cosgrove was September the 18th.

Female Voice 2: Thank you.

Jeff Ogg: You're welcome.

Female Voice 1: Before you start the interview, Detective Ogg, you listened to your own recording of the interview and there's maybe a 30-minute period in there that you determined was about things that were not really relevant to the actual event of the shooting.

Jeff Ogg: Yes ma'am.

Female Voice 1: So when it reaches that point are you going to summarize?

Jeff Ogg: Yes ma'am. At the 40 minute and 30 second mark I'm going to summarize from that point to the one hour and 10 minute mark. I'm just going to summarize what was said. That's some things that occur after the main focus of this investigation.

Female Voice 1: Okay, go ahead.

{Recording of interview begins.}

Jeff Ogg: I'm from the Attorney General's office. It is September the 18th at 15:25 (inaudible) at 1024 (sounds like Caisson @05:33) Drive.

Detective speaking with Myles Cosgrove. Also present is his attorney (sounds like Jitters @05:43) Beck and assistant Attorney General Barbara Whaley. Detective Cosgrove can you please spell you first and last name for me please.

Myles Cosgrove: Myles Cosgrove. Myles M-Y-L-E-S Cosgrove C-O-S-G-R-O-V-E.

Jeff Ogg: And how long have you lived in (inaudible) after this long?

Myles Cosgrove: Approximately 15 years.

Jeff Ogg: Okay, on March the 13th of 2020 what you know you decided to do?

Myles Cosgrove: I decided to criminal investigations correctional unit or narcotics.

Jeff Ogg: How long have you been in your position?

Myles Cosgrove: Four years, maybe?

Jeff Ogg: Okay. I'm going to ask you to go over the events that occurred on the morning of March the 13th of 2020, if you would please. Start at the location, who was there and the (inaudible).

Myles Cosgrove: What do you mean by (inaudible)?

Jeff Ogg: You all met somewhere, right and you changed (inaudible).

Myles Cosgrove: Okay, so, it just finished raining and I was probably maybe the last person pulled into the parking lot. They were behind the liquor store or church parking lot I am not sure, probably both. It was either the church parking lot or the liquor store about ya know three or four minutes from the location.

Jeff Ogg: Who else was there? What detectives were there?

Myles Cosgrove: Mike Campbell, Tony Davis, John Mattingly, Curt _____, was already at the entrance he was the he had the - I'm sorry I am kind of nervous I'm trying to...

Jeff Ogg: (Inaudible) just think this is a regular conversation.

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Myles Cosgrove: ...All right, I think it is like a test though. It's myself, Lieutenant Hoover, John Weekly, Mike Campbell, Tony Davis.

Jeff Ogg: Was Lieutenant Hoover there?

Myles Cosgrove: Yes, Lieutenant Hoover was there, yes.

Jeff Ogg: So, did you all sit down this is what I (inaudible) the actual execution of the warrant or just saying kind of going as you did?

Myles Cosgrove: No, we never. We all just sat there. (Inaudible).

Jeff Ogg: So, what was your role? What were you going to do? In executing the warrant.

Myles Cosgrove: My role is there is no formal report. My side would be the exterior due to those gentlemen already having sites. So, my assignment was the (inaudible) the exterior was.

Jeff Ogg: So have you served executed warrants for this group of people before?

Myles Cosgrove: Yes and no. I heard of all of these guys in past three years and I also worked with them in other aspects. So how much of warrants was I involved with them, I would say probably, yes but...

Jeff Ogg: Let me rephrase it, have you served an executed warrant with this entire group of one unit where everybody has a separate job?

Myles Cosgrove: ...No, absolutely not.

Jeff Ogg: So, what time did you arrive? Did you all convoy over or follow each other over there or did you just get there when you can?

Myles Cosgrove: Oh no absolutely not, when we get over to the parking location where you park you know, we followed each other just to the target house, the best we can.

Jeff Ogg: Okay, so, what time did you all arrive and (inaudible).

Myles Cosgrove: I don't know. I know now I've been - all I know was it was about midnight. I wasn't even paying attention to the clock because it's a

simultaneous warrant so I'm just really paying attention to what I am told to go do to check.

Jeff Ogg: Who tells you to go from your safe point? Who says let's go?

Myles Cosgrove: I am not sure if there was a formal word... I know John (inaudible)

Jeff Ogg: What's going on on the radio, what's going on (inaudible). Somebody is listening (inaudible).

Myles Cosgrove: John and Hoover had a radio.

Jeff Ogg: What either Sargent (inaudible) or Lieutenant Hoover they say?

Myles Cosgrove: Curt (inaudible)?

Jeff Ogg: Yes.

Myles Cosgrove: And Lieutenant Hoover actually drove with me because we were trying to consolidate so everyone's cars (inaudible). So, Hoover is a passenger in my vehicle up to the house.

Jeff Ogg: Okay, so when you get on scene and where did he park his vehicle in relation to the target car?

Myles Cosgrove: Okay, here. If you're looking at that building I am, there is a dumpster or recycling box or some kind of big trash can thing. Which would have been to the right which was I don't know distance but it was a faster walk from that spot to the house. That would be a reasonable safe spot, out of sight.

Jeff Ogg: Okay, I understand all the figurative part of this I am trying to figure in details about (inaudible).

Myles Cosgrove: I'm just when I pulled up to the house you always want to try to be inconspicuous and you want to be able to move your car around and (inaudible). He parked right next to a trash can. Which is a parking space (inaudible). Everybody is (inaudible).

{Crosstalk}

Myles Cosgrove: Correct.

{Cross talk}

Myles Cosgrove: Yes and once you pull up to your spot there is no assigned parking for any spot you just kind of get into a spot.

Jeff Ogg: So does everybody you know everybody parks the car (inaudible) goes to the door or you (inaudible) walk up to the door.

Myles Cosgrove: We don't necessarily get together but everybody gets out of your car and you situational where you're watching team and then as you walk up to the house you're still watching people make sure you got bodies and making sure everybody is supposed to be there.

Jeff Ogg: But you (inaudible) to the apartment do you see anybody (inaudible).

Myles Cosgrove: No, absolutely not.

Jeff Ogg: Any activities? (Inaudible) do you see any (inaudible) activity before you approached?

Myles Cosgrove: No, I was just starting.

Jeff Ogg: So, who do you remember not familiar with (inaudible). Do you remember how the (inaudible) was first personnel (inaudible)?

Myles Cosgrove: No. Not a clue.

Jeff Ogg: Do the best you can.

Myles Cosgrove: I can't tell you the sack. I can tell you from once they start knocking on the door. I can tell you who those two people are. John knocking on the door and Mike (inaudible) to the right. The other folks in the sack I can't tell you...

Jeff Ogg: (Inaudible).

Myles Cosgrove: ...I can't tell you what their assignments are.

Jeff Ogg: (Inaudible) was knocking on the door and he said "police, police, search warrant". Did he make any verbal commands where (inaudible)?

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Myles Cosgrove: So, I am not in the sack. I am in the...

Jeff Ogg: If you need to use this client _____ pictures.

Myles Cosgrove: ...No, I have not seen them pictures since that night. I seen the new stuff and seem that makes me super uncomfortable because I don't want to make a mistake here and I understand I was (inaudible) so I will tell you the best I can but you understand I have not seen these pictures and I (inaudible).

Jeff Ogg: I was just to offer to help with your (inaudible).

Myles Cosgrove: I've been calling this kind of like the vestibule which is the bottom of the stairs. So, I am at this breezeway because my initial assignment was to watch this door.

Jeff Ogg: Before, the doors were breached where were you? This way?

Myles Cosgrove: No I was to your right, to your right, to your right, to your right. I was at that corner. So, I could see kind of how those guys were doing but my main focus is still this door because I want to be able to see if a light comes up or someone peeps through the door. I want to be able to see that and communicate so I can see so my people that can't see will have to see. Makes sense?

Jeff Ogg: Okay, so how long is the staff outside the door approximately (inaudible)? How long are they outside the door if not (inaudible) before (inaudible)?

(Crosstalk)

Myles Cosgrove: I was worried and uncomfortable about 90 seconds. I feel we were out there knocking on this door way too long due to the other factors that happened while we were knocking on the door.

Jeff Ogg: Okay, while you were knocking has anything else that kind of unusual or distracting?

Myles Cosgrove: So, during this knocking and when I say knocking this is not where (inaudible) not yet. John, I know now that this is John knocking on

the door. Someone knocks on the door like a pizza guy, like a normal person knocking on the door.

Jeff Ogg: So, not like a police officer knocking?

Myles Cosgrove: No, absolutely not. Not vibrating the house ya know and then a gentleman from the apartment directly above. The apartment right up the stair case to the right...

Jeff Ogg: This here?

Myles Cosgrove: ...Yes, that's the one. A person, a man comes out of that apartment, not out of the apartment. He opens the door and is standing more or less standing in the door.

Jeff Ogg: Are you seeing him or are you listening to him?

Myles Cosgrove: I am listening to him.

Jeff Ogg: Are you still there?

Myles Cosgrove: Yes. At the end of the stairs.

Jeff Ogg: Are people talking to this guy?

Myles Cosgrove: Yes. The only person talking to are (inaudible) because (inaudible) is loud the has (inaudible) on his face so it amplifies your voice.

Jeff Ogg: That part I can see and now this part here (inaudible). Where is he at (inaudible)? You're here and he's talking to this guy here and (inaudible)?

Myles Cosgrove: I would say towards before that breezeway (inaudible).

Jeff Ogg: Here? He's right here?

Myles Cosgrove: Mm-hmm (affirmative).

Unknown Woman: Where?

Jeff Ogg: (Inaudible).

{Crosstalk}

Jeff Ogg: It's the feedback.

{Crosstalk}

Myles Cosgrove: I'm just telling it like it is.

Jeff Ogg: All right, go ahead.

Myles Cosgrove: So there's this conversation - not conversation there's this like hostile yelling back and forth between the guys upstairs and (inaudible) and there are words said and I don't know what these words are and I believe I never said the words leave her alone or there's a girl there or something like that that I remember hearing the word girl. I was told there was a girl that lives here so that's good for us. So, there's a girl that lives in this (inaudible).

Myles Cosgrove: Now here is to speculation because of reading stuff in the news so...that's all I hear. I just hear (inaudible) and this guy this burnt complication back and forth with each other and then I hear the police knocking. We are knocking down the door yelling police it's not we but these guys are (inaudible).

{Crosstalk}

Myles Cosgrove: No, yes, no, I'm sorry.

{laughter}

Jeff Ogg: It's okay, relax. All right so the knocking was (inaudible)?

Myles Cosgrove: Was John, John was the gentlemen knocking on the door. (Inaudible) had some rhetoric with the upstairs guy and there was forceful pounding on the door. Then there is forceful pounding on the door with the police with verbal command 'police' and the search warrant. What we always say. And it's like I know this is louder because I'm like man that's loud.

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Jeff Ogg: So, while this is going on you are still standing there looking at the patio door. You see any (inaudible) see any (inaudible) at this point , any lights coming on, you see any...

Myles Cosgrove: No, (inaudible) and I'm still on my assignment. That's my assignment. So there is a command given to hit the door. I don't know who gave the command. I just hear, "Hit the door." So now, we meet. They step up a little bit. They always step up a little bit when we do these types of movements. So, obviously, when the ram hits the door, your attention – no matter how hard you train for this, you're going to look at the noise, if that makes sense to you. That "Hit the door." I'm looking at the door that has nothing. You know, your interest kind of goes from one thing to another. Nobles hits the door, once, twice, maybe three times, but Nobles is hitting the door, and that's when I realize that Nobles does not have what I call a cover two, or a cover person, meaning that Nobles is hitting the door by himself, and Nobles has a 20+ pound of semi-concrete in his hand. That is strenuous, you know, he's physically exerting himself hitting this door. That's when I say to myself, subconsciously, you know, because I've had training and I've done this a lot, that he needs somebody to protect him because he's working right now, and that is his job to work. So if somebody opens the door - or whatever, Nobles just has this tool in his hand, and he can't do anything to help himself. So, when I see that there's a mistake here, I, from the breezeway area, go to where Nobles is at. The door's down. I don't see much of it is opening.

Jeff Ogg: So, you get there as the door's opening, or you get there a split second before open the door actually opens?

Myles Cosgrove: I got there after the door had already – well obviously after (inaudible) goes in first. I got there before the door opened, just before the other stuff.

Jeff Ogg: (Inaudible). I understand that you wanted to cover Nobles as security, to give him security. Did you get there before Nobles makes his last slam on the door? Do you get there when he makes - the door opens or when Nobles retreats, or is he still slamming the door?

Myles Cosgrove: I don't know what Nobles did. Nobles hits the door. I am – I am – if I was in that cover-two spot, the position I'm in now is not the correct

position because now I'm two steps behind where I should have been if that was (inaudible), so I'm slightly behind the eight ball, meaning that when someone - the number one person, if they go in that door they expect the two - me - the person on that side, to be right behind him. So, through that little gap right there, and I'm saying little, and this is little. I perceived this to be a miniscule gap, like a two--step gap. So the door is open, and I don't really see much through - I see John go in. I see the door open. I see John go in and then I ...

Jeff Ogg: Let's hold that thought just a moment.

Myles Cosgrove: Okay.

Jeff Ogg: So the door opens...

Myles Cosgrove: Well, the door doesn't open.

Jeff Ogg: It doesn't completely open, but the door is open.

Myles Cosgrove: Yes.

Jeff Ogg: Okay. (inaudible) But he hasn't breached it.

{cross talk}

Jeff Ogg: The door is open or whatever remains. Mattingly is looking at the door. He's on the left.

Myles Cosgrove: I don't know - yes, he is, but I don't know that.

Jeff Ogg: Did you not see Mattingly approaching from your position? You did not see Mattingly at all? You don't know that Mattingly is right there?

Myles Cosgrove: The way this thing worked ...

Female Voice 1: Maybe just tell him. If you can just go through it, and then we'll come back and ask.

Myles Cosgrove: Okay. So, to answer your question. I'm sorry. I get it. So, to answer your question: I knew John had knocked on the door. I knew that Nobles was hitting the door. I don't know if they had changed the signs, or I don't know.

{Crosstalk}

Myles Cosgrove: Mattingly knocked on the door, and then some other dude I didn't know could be the number one guy - I don't know. That's - and to me, it doesn't matter. I knew to do the assignment that I see - I know to fix an assignment that I see is wrong, and that's what I did. So, I don't know who knows it - well, I do know who knows it, but you know what I mean.

{Crosstalk}

Jeff Ogg: I know what you mean.

Unidentified Male: I think what he's trying to say...

{Crosstalk}

Unidentified Male: He's forcing it a little bit harder than he needs to. I think what he's saying is at that moment, he wasn't absolutely certain about the (inaudible).

{Crosstalk}

Jeff Ogg: Any decision you make - I'm just trying to get - and the steps - I'm trying to help him put him on some steady steps.

Unidentified Male: Right.

Jeff Ogg: Just, the devil's in the details on this.

Unidentified Male: Of course.

{Crosstalk}

Jeff Ogg: (Inaudible) I didn't mean to put him in (inaudible). I apologize if that's the case.

Myles Cosgrove: Okay. So, the door is open. Jon goes into the door. I'm blocked off a second or two behind him. As soon as I am at the vestibule of the door, the entryway to the door, I'm at the threshold of the door, I am immediately overwhelmed with bright flashes and darkness, and what I would describe as a movie reel that's doing that ticking, where you see white and black, white and black. I know Jon is now not where he's supposed to be. There is nobody in front of me. Jon is now on the ground. Jon is below me, and there are still these flashes happening - these vivid white and black flashes. Can I grab some of this?

Jeff Ogg: No, please, go ahead.

Myles Cosgrove: So...{sighing}

Unidentified Male: I know it's tough. I know it's stressful. Maybe it is easier if you ask him (inaudible).

Jeff Ogg: That's what I did. I was waiting for him. He was having trouble getting past certain things. My preference was to give him the next thing.

Unidentified Male: Yeah. That is the best thing.

Jeff Ogg: That was meant to...

Unidentified Male: Yeah. There's no rush to (inaudible). Take the bottle of water I gave him.

Myles Cosgrove: So there is vivid white flashed followed by this darkness, and the room, and I don't see a room, I just see this hall, this (inaudible), and it's (inaudible) instantaneous that I realize that Jon is kind of at my feet and he's moving around, and I feel him in front of me, and I step over him, and he crawls through my legs, something like that. I know there's something below me, and I know that I have fired because I just sense that I can find him, and I've heard it from folks that, you know, it's such a surreal thing. If he told me I did do something at that time, I'd believe him. If he told me I didn't do something, I'd probably believe him too. So, I know Jon, my friend that I've known for 15 years, has been shot and in this confined space, and I know this person is down, and I sense that there is still these gun shots happening due to these - those bright lights that are just - I can't

really explain what it is. [Pause] I just have to stop there, because I don't know how else to really explain.

{Crosstalk}

Jeff Ogg: Let's get you back down to the last steps. This is about the – so when everybody's in the doorway, does the team.... Does the team – do they have their flashlights on?

Myles Cosgrove: So I've asked myself that question a few times, because I know I had a flashlight just prior to – I knew I had a flashlight because I'd used it try to – say – try to illuminate that crack in that door to see if I could slide – to see if I can see between the blinds whatever. So I knew at one point I had a flashlight. I know that when I got to that door, there is nobody. I see nobody – it is – to me, it is black. The only one – what I see is from these flashes that you see a flash there, and a flash there, and that's what I'm seeing when I see those flashes. I'm seeing just the light, and I'm seeing bright light.

Jeff Ogg: Do you remember – and I can't begin to know what you've gone through, so I can't speak to what you've gone through there. So, after Jon turns around and goes in, and I know you may not be able to speak to that today,

Jeff Ogg: but do you – can you remember how many shots were made? He's standing, he discharges his weapon, and he stands right there, and he kind of steps out, falls down, something. When you say your stepping on him or over him, are you in the doorway, are you out in the breezeway, or are you coming (inaudible)? Can you speak to that?

Myles Cosgrove: I'm not at the door. I did not make it to what I call the welcome mat. I'm where the person would be knocking on the door on if they were (inaudible).

Jeff Ogg: So you crossed this far in?

Myles Cosgrove: No. No. If anything of my body got there, it would be my hands, from being expected to turn.

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Jeff Ogg: So would you think—and I'm just asking—do you think when you were stepping on or over your Sergeant Mattingly, was he here? Was he here? Was he here?

Myles Cosgrove I – I – I don't know. I don't.

Jeff Ogg: Okay.

Myles Cosgrove: I mean, I want to say I know, logically it make sense to me, but I do not know if he went to the left, if he went to the right, if he went behind me, if he did something completely different - I cannot remember.

Unidentified Male: We're not going to go down that road.

Jeff Ogg: I assume that you still – (inaudible) I assume your eyes are fixed on something else in the room.

Myles Cosgrove: Correct. Yes, sir.

Jeff Ogg: (Inaudible) When you were here, and you kind of see Nobles needs assistance or security, do you have your weapon drawn or your hand on your weapon, or is it drawn? Do you remember? When you rose...

Myles Cosgrove: I mean, I don't remember, but ...

Jeff Ogg: When you went at ...

Myles Cosgrove: I don't remember, but logically it would not be in the holster.

Jeff Ogg: If you didn't do it (inaudible).

Myles Cosgrove: I don't remember, but, normally, it would be out.

Jeff Ogg: So the lights are on, you have your - you see the lights. What – after, you think you've- you fired. Can you speak at all to how many rounds you think you fired?

Myles Cosgrove: Can I back up just one second?

Jeff Ogg: Yes.

- Myles Cosgrove: I think it's important for me to tell you what, so during that flashing light, I see this human shadowy figure. I don't think I said that, so I just want to say that. So, as to the round count...
- Jeff Ogg: Let's stop right there. Is this shadowy figure down the hall? Closer to the door, the large (inaudible)?
- Myles Cosgrove: It's a – it's a - it's just a human - larger than a normal human shadow figure.
- Unidentified Male: Are you saying it's taller, wider?
- Myles Cosgrove: It's wider than...it's a...
- Unidentified Male: I know it's hard...
- Myles Cosgrove: No, it's - I see a tall person – a tall human shape and a rounder shape connected to it
- Jeff Ogg: Side by side like this?
- Myles Cosgrove Okay, that's for me to even tell, but that's what I saw in between those...
- Jeff Ogg: Let me ask you more about the flashing lights. Were the lights – where were the lights come? Were they like, from the hallway? Were they up close in your eyes? Were they coming from the side, from the other side of the apartment? Or were they just around you? What context were you seeing the lights?
- Myles Cosgrove: Those lights, to me, were encompassing, they are in front of me. It's like you're looking at the sun, and you open your eyes and look at the sun it's just this big – spot – these flashes of big light. I'm not seeing the stars if that's what you're asking. I'm not seeing anything like that. I'm seeing big flashes of gunfire, and it sounds - I don't know if it sounds unbelievable but that's what I'm saying.
- {Crosstalk}
- Jeff Ogg: It's your perspective, and this is just what it is, I mean. Nobody here is going to dispute that. I've been doing this a long time, and I've never been in a situation like that, so I can't relate. Everybody that

was there that evening, every officer involved experienced it different. There's no right or wrong way to do it, and I'm sure people have told you. You don't need to hear that from me. That being said, I'm just trying to get some information the best we can. Now to move on the human shape or form, whatever it – however you described it. Did the shape that you saw, make any movement, either its hands up hands moving, squatted?

Myles Cosgrove: That was within (inaudible). I am not seeing that kind of detail. I'm seeing – I'm trying to...

Unidentified Speaker: (Inaudible) form?

Myles Cosgrove: Yes, because it wouldn't – and again I say yes so – and I'm trying to make some logic out of this and try to put it together, but I think so, yes. I believe Jon was already down when I am seeing these flashes. Now I don't know if it was up and down or down and down. I don't recall. Sounds convoluted for me too, and I was there and I don't understand some of this stuff.

Jeff Ogg: So, you think you fired, Could you speak to how many you fired?

Myles Cosgrove: Correct. I've had some time to analyze it, you know, after the fact, and there's other things we can talk about later on if there's time, but I am fairly certain - I know that I fired a low amount of rounds, that's how I feel, due to something later on that occurs.

Jeff Ogg: I found this stories are best sequential.

Myles Cosgrove: Yes.

Jeff Ogg: So, you kind of step over John, around John, and then the next thing you remember is what?

Myles Cosgrove: So I had fired. There's gunfire, and if you had told me I didn't fire I'd certainly believe you right now, so the gun fire is over between, I sense that everything is – I sense that Jon is no longer around, that there is emptiness, that Jon is scooted away or something I can, I say I see it, but I'm not entirely sure that I see Jon scooting away, but I feel that there is this emptiness there, that Jon has been moved to

safety, and I'm only at this door for four seconds? I mean, it's a very short amount of time. I don't know. It could be six, it could be five, it could be two. I'm at this doorway for a very short amount of time, and then I leave the door.

Jeff Ogg: What, as you leave, are your senses starting to come – are you starting to come out of the lights?

Myles Cosgrove: So, I leave the doorway, the vestibule, the breezeway, the...

Jeff Ogg: The breezeway.

Myles Cosgrove: ...The breezeway, and I see a sea of people huddling and talking and chirping.

Jeff Ogg: So you think - your senses are coming back. But go ahead

Myles Cosgrove: Yes. Yes. They're coming back, but...

Jeff Ogg: So, you're leaving that door, you're seeing that sea of people, are you hearing any shots (inaudible)

Myles Cosgrove: So, there is – I have this – this - I don't even know what the word. There is this utter muteness after. There is – it's like I'm in a cave of complete, utter silence, so I don't hear anything. What I witnessed in that breezeway going to the parking lot, I still see these flashes, these flashes in front. And not in front of me, because I can see people in front of me, and I would not run towards flashing light. That would be asinine, you would think, right?

Jeff Ogg: You're talking about moving back toward the apartments? You're seeing them?

Myles Cosgrove: These flashes are coming from -- and I hate to use direction during this stuff.

Jeff Ogg: Sure.

Myles Cosgrove: Because -- but there -- there is what I'm fairly certain to be flashes of light from the parking lot that are coming from the parking lot. And I hate to say that because it doesn't make sense to me.

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Jeff Ogg: Well, you don't have --it doesn't have to make sense. Not hate to say this, just what happened happened.

Myles Cosgrove: Right.

Jeff Ogg: And you're an investigator, you know how these are. The whole story, as it were, is a bunch of different stories.

Myles Cosgrove: Right.

Unidentified Male: He's saying...

Jeff Ogg: You're going to be (Inaudible) You concentrate on this part of the puzzle, the part of the puzzle you can describe. You're heading towards the people, kind of get your senses back to you. At that time do you hear or see what may have been gunshots? Were they...

Myles Cosgrove: There were bright flashes of light to my left because it's not directly in front of me because, and it's definitely not to my right. I don't remember anything to my right, so the only directions I'm sensing is straight ahead and to my left.

Jeff Ogg: So if that--

Female Voice 1: Can you hear sound?

Myles Cosgrove: No. I have no sound until where we're back (inaudible). So, I'm in the breezeway going towards the parking lot. I'm seeing these flashes to my left, I'm seeing [sigh]-- I'm seeing -- it's embarrassing because I'm seeing Campbell's big dumb ass on the ground.

Female Voice 1: What did he see?

Female Voice 2: He saw (inaudible).

Jeff Ogg: Just tell us what you remember as best you can. Don't worry about embarrassing anybody.

Myles Cosgrove: And I think Mike Campbell has been shot too because he's on the ground.

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- Jeff Ogg: So where did you go, best you can remember, in the parking lot? After you see Campbell, where did you go?
- Myles Cosgrove: Those other guys kind of bulldozed over him. And I went to the right of them because I wanted to go (Inaudible) to safety. So I go to the right of this pile of men thinking that Campbell has been shot and thinking that, oh, shit, I, you know, there's (Inaudible) because Campbell's a big dude. So I forgot what we were talking about.
- Jeff Ogg: So, you were going to the right.
- Myles Cosgrove: So I'm going to the right. I'm in the right side of the parking lot, and I'm -- we didn't talk about this earlier. There's a white car in the parking lot, a white SUV or a minivan or something white frigging parked. So I am -- I'm in -- I'm in front of this vehicle but not -- I'm not in front of the vehicle. I'm behind the vehicles that are parked in the parking lot but in front of this white vehicle thing, if that makes sense.
- Unidentified Male: That makes sense.
- Myles Cosgrove: Jon is closer to the white vehicle than I am because he went to the left or straight. I went to the right. So I am behind cover and -- okay. So I am -- I'm behind cover and I go to -- I go to reload. And that's what I wanted to touch on or that's what I was going to touch on earlier. So I go to reload and I have this overwhelming sense of you should have reloaded right now because I don't know if I had any bullets. But, you know, I'm like, shouldn't have reloaded because that magazine is probably full. And I just dropped a full magazine on the ground and I've loaded a magazine (Inaudible).
- Jeff Ogg: Where were you then? Had you already moved out or were you still back there by the breezeway?
- Myles Cosgrove: No. I am -- I am in-- I'm in cover. I'm near the white car in the parked cars.
- Jeff Ogg: Okay. Let me ask you the detail there. When you went to reload and I found these little details kind of help me, where did you get your magazine from? Where's it kept at, your spare magazine?
- Myles Cosgrove: In my, like, front pouch.

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Jeff Ogg: On the vest?

Myles Cosgrove: Yes.

Jeff Ogg: Was your slide locked back? Where was it?

Unidentified Male: (Inaudible) Can you tell us that?

Myles Cosgrove: I don't remember. No. I can. It was not because the magazine was in and out of there. So there was no -- there was no working the slide. It was so -- it was so fast. And that's why I think I messed up because I shouldn't have (Inaudible) reload. That's what I felt like I should have. I should have put that spent magazine, the one that had some taken out, in my pocket. But I'm under stress. I'm losing -- I feel stressed obviously. And I made a small mistake, and I -- I call it a mistake. I should have reported that. I made a small -- I made a small mistake. But then I reloaded the gun (Inaudible).

Jeff Ogg: Did you -- did you -- when you dropped the magazine, did you let it hit the ground or did you catch it and put it in your vest?

Myles Cosgrove: No. It's on the ground. (Inaudible) I did not have the (Inaudible).
{Crosstalk}

Jeff Ogg: Sometimes it jogs memories.

Unidentified Male: Yeah.
{Crosstalk}

Jeff Ogg: So, after you reload, now your senses are starting to come back.

Myles Cosgrove: They are coming back. No, they are coming back, because I'm also seeing, I see Mike Campbell there.

Jeff Ogg: You see Mike. You've reloaded.

Myles Cosgrove: Mm-hmm (affirmative).

Jeff Ogg: Then what happens? Then what'd you do?

Myles Cosgrove: Then I got up to find work. You got to find work. You can't stay in one spot. I go to Jon, and I'm sure Jon was...

Jeff Ogg: Okay. Now I'm going to summarize the next 30 minutes or so. They're working on -- Cosgrove says they're working on Sergeant Mattingly, giving him first aid. He suggests to them to move Sergeant Mattingly behind that white car that he's talking about. Once Cosgrove makes it to the white car he does not hear any gunshots or see any flashes. At this point he saw and his senses are starting to come back to him. He takes his tourniquet out of his vest, his ballistic vest and he throws it -- Mattingly's on the ground. He throws it on top of it -- on top of him. Cosgrove is standing at the back of that white vehicle still, watching the right side of the building, right here. At some point Cosgrove leaves that area and goes and gets his car from this area here where he originally parked it and takes it back to where Mattingly is. He takes his AR15, his rifle he has on duty out of the trunk of his vehicle. He goes to the glove box and takes some first aid supplies and he gives those to Jon Mattingly for them to use for first aid.. Hoover is -- Lieutenant Hoover is having trouble applying the tourniquet on to Mattingly. At this point Tony James is helping Hoover tend to Mattingly. Cosgrove at this time still says he is helping -- he's still covering the building, watching the building. Cosgrove says, at some point about this time he hears someone on the radio very loud, he can't make out what they're saying, but they're very loud. Shortly after he hears ruckus or the gate getting rammed trauma shows up to this area. They put Mattingly on top of Cosgrove's trunk and they -- start to withdraw him from the area. Someone -- this is Cosgrove -- someone is driving the car, and you're going to have to go past the window to Apartment 4 or backup. When they first started out, Cosgrove is trying to keep up with the vehicle, kind of for security reasons, but within a couple steps, the car starts going too fast and he can't keep up. So at this point Cosgrove is back near the area of the white vehicle. He keeps talking about it. He's watching the building again. He says he has -- at this point he has low poor line of sight. He can't see -- he can't see all of this, but he's at the corner of one of the vehicles, the back of the vehicles. At this point that still leaves only one patrolman on scene. Detective Campbell states he hears someone in the building. Not necessarily inside apartment 4, but someone in the building. At this point Detective Hankison begins attempting to call the person out. Cosgrove had asked Campbell to, but Campbell apparently was winded. He couldn't get his breath

about him. Sometime later, he can't give a time, he sees someone in the breezeway. As the subject, as the person coming in the breezeway, a K-9 officer begins talking to him and trying to call him out. Cosgrove is still - he's not really watching what's going on with the subject at this point. He's still watching the building. After the subject comes out, Mr. Walker, after he's taken away, Cosgrove at some point talks to a Detective Cole Gibson on scene for a few minutes. And he leave -- Cosgrove states he --after -- he leaves the scene about 30 minutes after that. Then he leaves to go -- he was taken to the LMPD's internal affairs office, which is PIU. And that's where we're back at, start back. And we're starting back at the 1:10 mark.

{Recording resumes.}

Jeff Ogg: Let's depart from that matter. Let's go back to -- and we don't know -- we're asking about officer training. We're trying to figure out because -- what is --how many times a year does Louisville P.D. go to the firing range?

Myles Cosgrove: Twice. Fall and spring maybe.

Jeff Ogg: Okay, do you do...

Myles Cosgrove: Maybe it's three times, fall, spring.

Jeff Ogg: Do you do night firing in all of them?

Myles Cosgrove: Yes. Some.

Jeff Ogg: You probably do four -- two for pistol...

Myles Cosgrove: When we do that, it's all one.

Jeff Ogg: We always did our squads separate.

Myles Cosgrove: You can always do them separate or all together. It's all (inaudible).

{Crosstalk}

Jeff Ogg: So, you do the training twice.

Myles Cosgrove: Mm-hmm (affirmative).

Jeff Ogg: Okay. How – if you could, let's go back to when you were younger, when you were at the academy. But how were you all trained on, not so much use of force, but like when to discharge your weapon? Like what...

Myles Cosgrove: I can't give you a definition because that's – I mean, I would discharge my weapon when my life was in eminent danger or when some of the - somebody else's life is in danger. Those are pretty much the only times that I'm going to..

Yeah, I knew that. Maybe I didn't I need to explain myself - articulate correctly. So years ago, I went to the academy in 1993, (inaudible), but you came on (inaudible). Back then, we were told if we wanted to discharge our firearm, we shoot two, reassess. And then go for the low area. And you came on what year? what year did you come on with the police department?

Myles Cosgrove: '05,..

Jeff Ogg: 2005, so when you went through firearms training at the Louisville Police Academy back in 2005, how were you all taught? Were you taught to make sure that – I'm asking, please correct me if I'm wrong – but were you all taught that once you feel that you are justified in using deadly force, use of your firearm? Are you all taught to make sure you have a target - if you think shots are coming from there, from anywhere, are you all taught to make sure you have a target, and are you taught to shoot to threaten to stop; are you taught to or trained to shoot a certain amount of rounds and reassess? I don't know, I'm asking.

Myles Cosgrove: I don't know that I'm really comfortable answering that. I'm not an instructor, especially...

Jeff Ogg: How did you interpret the training?

Myles Cosgrove: To – if you interpret a threat, if you perceive that there is a threat...

Jeff Ogg: I'm not getting into whether or not you were justified or not. That's not what I'm getting at.

Myles Cosgrove: Right, right, right.

Jeff Ogg: I'm not going there. You did what you thought you needed to. I'm not going there. And that's a – and this is a hair I know it might be hard for you to split, I'm just saying, in general. Okay, let me back up. I was taught two shots, reassess, and then if you need to shoot more, shoot more. Back a few years later, in the '90s, the training was changed.

Myles Cosgrove: I will agree -- yes, I will agree to you shoot a -- I can't agree to that.

Jeff Ogg: Were you taught at some point that it's irresponsible, and when an officer discharges their firearm they are responsible for every round that they...

Myles Cosgrove: Yes, sir. Yes.

Jeff Ogg: Were you taught to – I don't know how to say again - were you taught to – when you were trained, were you taught to shoot until the threat is stopped or reassess...

Myles Cosgrove: Yes. Well...

Jeff Ogg: ...or were you taught to fire two, reassess before firing additional rounds. Were you taught to fire, reassess, and fire additional rounds if needed?

Myles Cosgrove: We were taught to – I don't know about the number thing. I mean, that may be an informal thing, but...

Jeff Ogg: That was a formal thing originally. That's what it was. It changed...

Myles Cosgrove: I think that's what it's saying, is that I'm not going to put another round...

Jeff Ogg: If you won't, that's fine...

Myles Cosgrove: We were taught to neutralize the threat appropriately.

Jeff Ogg: Exactly. And then after you stopped firing...

Myles Cosgrove: Mm-hmm (affirmative).

Jeff Ogg: Are you trained to discharge; you shoot until you think the threat is stopped?

Myles Cosgrove: Seriously.

Jeff Ogg: Or are you taught to go to the low end or high to end, reassess the situation, scan for any further threats?

Myles Cosgrove: Yes.

Jeff Ogg: That was the way you were trained?

Myles Cosgrove: Yes, correct. Because it gives your brain a mental second to

Jeff Ogg: And that's all I was asking. I'm not talking about what happened that night. I'm just talking about how you were trained.

Myles Cosgrove: Yes.

Jeff Ogg: I don't think that (inaudible) if you are trapped.

Myles Cosgrove: Yes.

Jeff Ogg: That's for (inaudible).

Myles Cosgrove: Yes. I would agree with that. Yes.

Jeff Ogg: Right, and, please, if something I just said is not correct, please correct me. For 2020, as of March 13th, have you been to the range at all this year? Do you remember?

Myles Cosgrove: Oh shoot, I don't know. I really don't know that. Might be in spring and fall. I don't know.

{Crosstalk}

Myles Cosgrove: I know fall is always cold because of the AC in the vents, but...

Jeff Ogg: You have to use that?

Myles Cosgrove: Mm-hmm (affirmative). They just (inaudible) suck in the cold air.

Jeff Ogg: Oh.

Myles Cosgrove: I'm not sure if I went to the range this year. You know, when you go to the range, it's not a—I'm sure you know this—it's not a memorable event. You're there, you shoot, and you're done. Even though it's (inaudible). It's not a memorable event.

Jeff Ogg: Prior to this (inaudible), have you had any formal—I say academy, but I don't know if you guys (inaudible)—did you take the additional firearms training, whether it be long-gun, shotgun, (inaudible) course?

Myles Cosgrove: So, the only thing that I've done with the department, and that would have been – shit. Yeah, I don't even know. Two thousand—oh, I don't know. At least three or four years, five years ago. I took the SWAT-based class.

Jeff Ogg: Mm-hmm (affirmative). Is that taught by Louisville?

Myles Cosgrove: That's taught by Louisville.

Jeff Ogg: So the training standards are probably the same as far as threat assessment, target assessment.

Myles Cosgrove: Well, that class was not shooting. That class was practice and scenarios. There was no shooting. So maybe. I guess...

{Crosstalk}

Female Voice 1: (Inaudible question)

Myles Cosgrove: Yes, that's part of it. That's how the SWAT makes its SWAT-based course, but, again, there's no – shit. There is shooting in SWAT-based, but it's not tactical shooting. It's regular shooting.

Jeff Ogg: Right.

Myles Cosgrove: It's just regular shooting

Jeff Ogg: Yeah.

Myles Cosgrove: And I forget that you know what I'm talking about.

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Jeff Ogg: Yeah, I do.

Female Voice 1: (Inaudible question)

Myles Cosgrove: When you identify a threat. I don't know if I can answer that question because it's so—I mean, obviously, if someone is pointing a rifle at you, that is a threat. But if somebody has a knife out, is that a threat? Yes, it is, but is it a different threat? Yes. So, yes, there are many—I'm not even answering the question—but, yes, they teach you to perceive threats during the training in the police department.

Jeff Ogg: They go over shoot or don't shoot scenarios with you.

Myles Cosgrove: Correct, yes.

Jeff Ogg: Okay this is my next question, and you may not be able to you may not know either/or. And I know from what you said earlier, I know what the answer probably will be. Are you aware that—you may have heard conversations or saw it on the news later—but on that night, were you aware of any actions taken by Detective Hankison after Sergeant Mattingly was shot? Up to the point that you were being escorted out. Were you aware of Detective Hankison's actions in that hour (inaudible)?

Myles Cosgrove: Well, yes, because he called up to the (inaudible).

Jeff Ogg: No. Between the time that Sergeant Mattingly was shot and the time that Hankison was calling Mr. Walker out of his, the subject, out of the apartment, were you aware of Detective Hankison's - any of his actions during that time?

Myles Cosgrove: No, no. No, no. I – no. The only person I remember is Jon. The patrolman told James to go up and Hoover put –Hoover putting the tourniquet on, helping him put him on the trunk.

Myles Cosgrove And Mike

Jeff Ogg: I don't know if you were saying Mike Campbell two times.

Myles Cosgrove: Right. Yes.

Jeff Ogg: Or three times. You pulled out your AR15 long gun.

Myles Cosgrove: Yes. So I did not see -- i hadn't thought about that. So, no, I didn't see Brett that entire time.

Jeff Ogg: So you were -- at the time you were not aware that Detective Hankison had discharged his weapon, fired his weapon?

Myles Cosgrove: Oh Brett? Oh, correct, yes. No. I thought Jon and me were the only ones, plus whoever else had shot.

Jeff Ogg: But at that time, you didn't know who the other person was?

Myles Cosgrove: Correct. That's interesting. Now that you say that—so later on...

Jeff Ogg: Yes, later, (inaudible) when you all come in.

Myles Cosgrove: No. It would have been that -- that time in the parking lot, I believe, because -- wait a minute. That's not true, either, because Mike Campbell was standing there. I'm thinking maybe they separated us (Inaudible).I can't remember now; I didn't know Brett fired until much later. Or until later.

Female Voice 1: Did you know that Jon fired? How did you know?

Myles Cosgrove: Yes, I knew that there was gunfire in that doorway in that apartment. And it would make sense, because I'm not shooting, but there is gun fire happening in the apartment, so it doesn't take a lot of thinking to deduce that there's gunshots happening in the apartment.

Unidentified Male: You perceived some of those gunshots at least were coming from Jon?

Myles Cosgrove: Correct, oh, yes.

Unidentified Male: Okay.

Myles Cosgrove: I think that's what I said. Correct.

Unidentified Male: Okay. Okay.

Jeff Ogg: This is (Inaudible). Let's back all the way up. When do you think your --the lights or the tunnel vision or whatever you want to call it, when

do you think that started? Is it after the shots fired, when you started approaching? I know approaching is relative (Inaudible).

Myles Cosgrove: I keep saying as soon as I turned that -- turned -- as soon as I turn into the doorway, that is immediately what I see, is -- is blinding flashing lights, immediate. It's not that I'm standing at the doorway and I can see the -- anything else.

Jeff Ogg: And I do realize this is a four- or five-second reaction.

Myles Cosgrove: Right, five seconds. I'm glad you do, because I can't...

Jeff Ogg: Is there anything else from that 10-15 seconds of the incident—the door being rammed, the shooting, shots fired, you withdraw—is there anything else that you may have recognized as we've been talking that you can remember that may or might be relevant that hasn't been brought up?

Myles Cosgrove: This is not relevant. So as—it's not relevant to you. It's relevant to me because it irritates me. Tony James walks up to the vestibule – Tony James is in the breezeway with that tactical ballistic shield, which I had never heard of. We had not discussed a ballistic shield. A ballistic shield is a complex piece of - it's a simple – personally, it is simple. It is a very complex tool to use. It's not a tool that one person can use. It's - and that irritates me that Tony James had that tool while we walked up there.

Jeff Ogg: Does it irritate you that he had it? Or does it irritate you that he wasn't up front?

Myles Cosgrove: It irritated me that I didn't know that we were taking the shield up there.

Jeff Ogg: Apparently, you weren't the only one who was surprised about that. I won't get into specifics about what other people said, but you're not the first person who said that, which makes a lot of sense to me.

Myles Cosgrove: Because, as you know, it's complicated.

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Jeff Ogg: Well, most of those I've seen, and I've been on the force for (inaudible) years. This is a horizontal-type shield. You hold it like this.

Myles Cosgrove: Mm-hmm (affirmative).

Jeff Ogg: Ours were tall and (inaudible) carries. They were longer than this one. This was a (inaudible) unusual when I saw that.

Myles Cosgrove: I've never seen that until now. I'm not sure (inaudible). We don't use it. We don't use it.

Jeff Ogg: (Inaudible) except for SWAT.

Male Voice 1: I wanted to say in his defense, when he was telling me about that I was listening to when you were talking and (inaudible).

Female Voice 1: What do you suppose this is? How many shots do you think he fired?

Myles Cosgrove: It's not so much that I couldn't come up with a number. (Inaudible)

Male Voice 1: Did you know? Did you even...

Myles Cosgrove: Now, that day I didn't know. It's not until, like, I was kind of able to decompress it and whatnot and maybe by seeing some of the things I've seen on the news has influenced my thought process. So I think that I fired very low round count, four or less. And that is why I think I felt that urge that I made a mistake when I reloaded.

Jeff Ogg: That was the first time you thought to yourself, "Okay, I shot so many times, and I've still got live rounds here. How can I need another one?" Was that the first time you really thought about it?

Myles Cosgrove: I remember thinking the thought. When you shoot a firearm, there are so many things that happen, physical, mental, visual, and I'm sure it was something in my mind saying, "I shouldn't have done that. I should not have done that."

{Crosstalk}

Jeff Ogg: You just second-guess.

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Myles Cosgrove: And there are other things that I beat myself up over, but (inaudible).

Jeff Ogg: The paralysis of analysis. But in the end, I mean, I know you're sure how it was...

Myles Cosgrove: No. I wouldn't say—this is another reason.

Jeff Ogg: I would think so, yeah.

Myles Cosgrove: But that night, I had nobody. Nobody got shot.

Female Voice 1: But you did the job then?

Myles Cosgrove: Oh yes, 100%. I'd do it again.

Female Voice 1: And you heard where the shots had come from? Or what (inaudible) come from?

Myles Cosgrove: I perceived because of those flashes that, that was directly in front of me, and I've analyzed this a hundred times. I am freaking dream about it. And I'm thinking to myself that - that if I'm seeing a flashing light in front of me that that has to be a gun shot. I don't know what else it could be, and that's what I saw is gunshot from the flashing light or the muzzle flash of a gunshot.

Male Voice 1: You're saying right in front of you, I guess you mean the hallway.

Myles Cosgrove: Well, when I say that you're in front of me, it is I'm seeing "Boom!".

Male Voice 1: Right. Yeah.

Myles Cosgrove: I'm not seeing the flash over here, flash over here, and a little flash over here. I'm seeing the sun, followed by darkness, followed by the sun, followed by darkness.

Male Voice 1: Right in front of you?

Myles Cosgrove: Just encompassing, yes. And, again, I just - and you used the word "tunnel vision." And that's what I'm seeing. I'm seeing this confined space with the flash, you know?

Male Voice 1: Did you expect anything? When we're talking about the way you're shooting, you're focused on this spot really quick, right? I mean,

you're trying to remember the best you can, but we're talking, what - at the most, like five seconds? I mean, really, that you're in the doorway?

Myles Cosgrove:

Yes.

Male Voice:

Really?

Myles Cosgrove:

Yes.

Male Voice 1:

Okay. And, you're aware that Jon's shooting? "Return fire!" he says. Right?

Myles Cosgrove:

Yes. I know that—I know there are gunshots from the person in front of me.

Male Voice 1:

You know someone has fired?

Myles Cosgrove:

Yes.

Male Voice 1:

Right. And Jon's in front of you?

Myles Cosgrove:

Yes.

Male Voice 1:

And he's going down?

Myles Cosgrove:

I don't know if I know that, but I knew that a second later. I know that someone is down, you know, from my sensory...

Male Voice 1:

And that's when you fired, right?

Myles Cosgrove:

Correct.

Male Voice 1:

And you're doing that because you're trying to protect him and protect yourself, right?

Myles Cosgrove:

Yes. Very much so. Yes.

Male Voice 1:

And you're aiming at where you perceive that threat to be coming from, right?

Myles Cosgrove:

Yes. Correct.

Jeff Ogg:: Okay. This is our interview with Myles Cosgrove. It is 16:57.

Barbara Whaley: After hearing that interview, are there any questions for Detective Ogg?

Female Voice 2: Yes.

Jeff Ogg: Yes, ma'am.

Female Voice 2: It was established that there was no interior lighting in that vestibule area there, right? It was dark, they had no light.

Jeff Ogg: That's what he said, yes.

Female Voice 2: Was there lighting in the general area of the apartment, such as the parking lot or lighting on the sidewalk?

Jeff Ogg: We didn't address that in the interview, but ...

Female Voice 2: Okay. I was just wondering.

Male Voice 2: Right there.

Female Voice 2: (Inaudible)

Jeff Ogg: Yes, sir.

Male Voice 3: In his original interview, he said—and I didn't have time to write it down—but it was pretty much instant. In this clip, he says that he was further back, two steps, then he comes in the door. Once he got into the door, Mattingly was already falling back but he doesn't notice Mattingly falling, but somebody was falling below his feet. Then, all of a sudden, he sees four flashes. Pow, pow, pow, pow. And he doesn't say four, but he sees flashes. He sees what he thinks is a shadow at the far end of something and then he opens fire. He said that he emptied his clip the first time. This time, he says he is blinded. He only shoots what he thinks is a few times. Then he gets out of there because he feels Mattingly is no longer at his feet. He retreats out of there. He gets out in the breezeway, and now he can see from the left side of his eye somebody firing into the window, which is Bret, I believe.

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Jeff Ogg: He sees lights.

Female Voice 2: He sees lights.

Male Voice 3: He sees lights, right. But the whole... I'm glad you said it. The whole time, is what I'm hearing him say is that he's blinded. He's blinded as soon as he makes that turn into the doorway and he sees those lights. Either he sees a shadow of a person, or he doesn't, but he's {loud cough}.

Barbara Whaley: He saw a shadow both times.

Jeff Ogg: He mentions the shadow both times, but I think he is, in general, from both interviews, he is consistent about when the whatever the television or whatever...

Female Voice 1: (Inaudible)

Female Voice 2: (Inaudible)

Male Voice 4: "It's encompassing," is all he says. This is encompassing lights all around him.

Jeff Ogg: So, I've never experienced that, so I can't speak specifics on it. All I can tell you is what he said. You know, you hear me ask him multiple times are his senses coming back. You know, he talks about when he's leaving to go toward the parking lot. He talks about seeing those flashing lights but doesn't hear anything.

Male Voice 4: Yeah.

Male Voice 5: Right.

Barbara Whaley: But he describes those shots when he's leaving as gunshots.

Jeff Ogg: At some point, he does mention that they are – "I think they may be gunshots" too. That's correct. I'm sorry.

Female Voice 3: Does he have a history of panic attacks?

Jeff Ogg: I'm sorry.

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Female Voice 3: Does he have a history of panic attacks?

Jeff Ogg: Oh, I don't know about that. And it's - in this these types of situations, whatever happened that night, everybody responds to it differently, so ...

Female Voice 3: Yeah.

Jeff Ogg: Yes, sir.

Male Voice 6: How often - how many interviews have you heard this way where they really can't describe what was going on?

Jeff Ogg: You know, I haven't investigated any other police shootings where an officer is shot.

Male Voice 6: Okay.

Jeff Ogg: But I've interviewed - I won't say hundreds - but a lot of people whose discharged their firearms.

Male Voice 6: Yeah.

Jeff Ogg: And it's not uncommon not to be able to give you

Male Voice 6: A recollection ...

Jeff Ogg: A complete recollection from the time they drew the gun to the time they stopped firing. Now, sometimes they're just playing [tap, tap, tap] or trying to be evasive. Sometimes they're being the truth. And it is difficult to tell. But I will say that it's not uncommon for people to experience that.

Male Voice 6: Okay. It's traumatic.

Jeff Ogg: It's definitely not uncommon to say, from my past, if someone shot another human being four or five times...

Male Voice 6: Yeah.

Jeff Ogg: ... even more, that they think they just shot once.

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Male Voice 6: Yeah.

Jeff Ogg: ... so that's common. Yes, sir.

Male Voice 7: I noticed that you got into flashing lights multiple times. I know that when you show her body lying on the floor, that her phone was right there. So, was there any way she could use phone flashing lights?

Male Voice 8: I would imagine...

Male Voice 7: Camera...

Female Voice 4: The TV.
{Crosstalk}

Male Voice 8: Because if it is dark, and that door is open when he sees flashes.

Male Voice 7: And that's the only thing that...
{Crosstalk}

Jeff Ogg: Well, you know, we can't speak – we can only speculate what happened down the hall. What we do know, from people talking, from all the interviews we've heard, they opened door. The hallway is dark.
{Crosstalk}

Jeff Ogg: The hallway is dark. Mr. Walker talks about the TV being on in the bedroom, but he says that's the only light on in the house. So, we can't speculate on

Female Voice 5: Is any of that stuff included in your investigation? Because I would assume that someone had to do a clean sweep and an investigation of that scene, so they were seeing whether the TV was on or made that account. They would have gotten her phone to see if any action had been taken on it. His phone. Is any of that stuff included in the record?.

Barbara Whaley: You can't answer that.

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Jeff Ogg: I can't speak to – because what we are doing, we're presenting information that was accumulated by multiple people. I can't speak specifically—now the scene was processed. We do know that. I don't have the report to say whether the TV was on. If you remember the photo ...

{Crosstalk}

Female Voice 6: But you can't know that because I also know that (inaudible) was on.

Jeff Ogg: Well...

Female Voice 6: Turn on the lights.

Jeff Ogg: But we saw in the one video that they turned the lights on for security purposes. We didn't see anybody turn the TV on.

Male Voice 7: Do we have any pictures of the TV in the back, if it has been shot or not? Because I know they said they shot it to a second window.

{Crosstalk}

Barbara Whaley: You will hear more about the evidence collection, the bullets, and all that from another detective who will be tomorrow.

Female Voice 7: So, you only included what was provided to you?

Jeff Ogg: No. We did independent interviews.

Female Voice 7: But as far as like people who processed the scene, it's just what they gave you?

Jeff Ogg: As far as the scene processing it is. We became involved...

Female Voice 7: The information they gave you from it?

Jeff Ogg: Say that again. I'm sorry.

Female Voice 7: It was just the information they would have given you from that is all you know.

Jeff Ogg: Yes.

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Female Voice 7: Thank you.

Female Voice 8: Has this officer been involved in any other shootings where they have not been shot but have been in the shooting?

Jeff Ogg: I don't have
{Crosstalk}

Jeff Ogg: Yeah. I don't know the complete background of all the officers.

Female Voice 8: That's fine.

Jeff Ogg: Yes, sir.

Male Voice 8: Initially, when we first started yesterday, we were told that Cosgrove shot 16 rounds. How was that determined?

Jeff Ogg: You'll hear more about that ...

Barbara Whaley: Tomorrow.

Jeff Ogg: ... later.

Male Voice 8: Okay.

Jeff Ogg: Tomorrow. Is it tomorrow?

Barbara Whaley: Tomorrow.

Jeff Ogg: Tomorrow. You'll have Detective Wolfe will be addressing that specific issue tomorrow.

Female Voice 9: (Inaudible question)

Barbara Whaley: Yes.

Jeff Ogg: Yeah. All the ballistics stuff, the evidence collected and documented and analyzed will be presented tomorrow by the detective.

Jeff Ogg: Yes, sir.

Male Voice 3: I noticed that when you said you went to the academy (inaudible) that you had training that shoot a couple times, reassess, you know. Does the Louisville Police Department have some sort of training like that also?

Jeff Ogg: Well, I also added on an interview that our training changed somewhere in the mid-90s. From then on, you were taught to discharge a firearm until it stopped. Then we reassess. I was trying to get out of ...

Male Voice 3: This new training regimen (inaudible)?

Jeff Ogg: Hold that thought. I was trying to get out of Detective Cosgrove how he was trained. He just...

Female Voice 1: He wouldn't tell you.

Jeff Ogg: ...didn't want to address that or could not address that.

Male Voice 3: But they do have some ...

Jeff Ogg: Yeah. Yeah. Yeah. Some time back in the late 90s, Louisville starts having their own academy. When I went to the academy, Louisville's Police Department still went to Richmond, where I went. Sometime in that time frame, they started training their own officers. But it was to the standards set out the DOC gave them.

Yes? Yes, ma'am.

Female Voice 10: You said at some point it did change to you shoot until the threat is gone and then reassess?

Jeff Ogg: Yes. Until you perceive the threat is stopped. That's correct.

Unidentified Female Voice: (Inaudible talking)

Barbara Whaley: Anything else?

Female Voice 11: I have one other question. This is totally off the subject. Kind of a dumb question. The guy with the big SUV that was first in line in the

parking lot that went to get his kid from upstairs apartment. When did he finally ever leave?

Jeff Ogg: My understanding is that he took a delivery somewhere.

Female Voice 11: Oh. He did? Oh, so the car didn't go anywhere.

Jeff Ogg: That's probably the same, so he wouldn't know anything.

Unidentified Female Voice: (Inaudible talking)

Male Voice 9: On the SUV. They showed (inaudible).

Jeff Ogg: I'm sorry, sir.

Male Voice 9: On the SUV, that the guy was upstairs?

Jeff Ogg: Yes.

Male Voice 9: You know, when the detective was walking around and showing casings, he showed something on the side of the—I guess you step up on it to step into the car or something. Was that like shot or was there ...

Barbara Whaley: That would be for Detective Wolfe tomorrow.

Jeff Ogg: Yeah. He would have the ballistics stuff, but there was stuff they were working on with Sergeant Mattingly - that type of s stuff.

Male Voice 9: Okay.

Jeff Ogg: Over by that SUV. I don't know exactly who you were talking about, but any fire, bullets, or casings, Detective Wolfe will address that.

Yes?

Female Voice 12: One last question on about he said: If I understand correctly, it does match up when he said he came out and he was still seeing flashes of light and they were to his left. That would have been in accordance with Hankison being on that side in front of the window and door, right?

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Barbara Whaley: It could have been.

Jeff Ogg: Could have been. We can't sparse whether it was his – the lights he was seeing or if he's seeing Detective Hankison's shots. We don't know. We can't speak to that.

Female Voice 12: But the placement would have been (inaudible)?

Barbara Whaley: Yes. There's the crime scene video that you saw.

Male Voice 3: (Inaudible) in her bed.
{Crosstalk}

Barbara Whaley: That's the television in her bedroom.
{Crosstalk}
{Background talking}

Jeff Ogg: No.

Female Voice: No.

Male Voice 3: Detective (inaudible) said...

Barbara Whaley: Okay. So, we are ready for the next - if we don't have anything else, that we are completed with Detective Ogg's testimony, and we're ready for the next witness.

Jeff Ogg: What time?
{Crosstalk}

Female Voice: We'll stop the record. We'll go off record right now.