



**OFFICE OF THE COMMONWEALTH'S ATTORNEY  
COMMONWEALTH OF KENTUCKY  
30<sup>th</sup> JUDICIAL CIRCUIT**

**THOMAS B. WINE, COMMONWEALTH'S ATTORNEY**

**Media Release Statement: March 11, 2021**

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In early May 2020 many local advocacy groups, including the local chapter of the NAACP, Louisville Showing Up for Racial Justice and the Interdenominational Ministerial Coalition, and many local civil rights leaders and public officials called for an independent investigation into the circumstances surrounding the tragic death of Breonna Taylor. They also called for the appointment of a special prosecutor to review that investigation. At that same time, then United States Senator Kamala Harris joined a group of Louisville ministers in demanding that federal investigators examine the shooting, writing in a tweet that Taylor's "family deserves answers."

On May 13, 2020 I recognized there would be a conflict for the Office of Commonwealth's Attorney to investigate and prosecute Kenneth Walker, who was accused of shooting Sgt. Jon Mattingly, and, at the same time, investigate and prosecute the LMPD officers who were accused of shooting Breonna Taylor. I recused our office and asked the Attorney General's Office to appoint a special prosecutor. When a local prosecutor is disqualified from handling a case, the Attorney General can either appoint another state prosecutor to handle the case or direct his Special Prosecution Unit to handle it. In this instance, recognizing the amount of resources necessary to review and prosecute the matter, the Attorney General directed his Special Prosecution Unit to assume responsibility for the case.

On or about May 20, 2020, Mayor Greg Fischer announced the findings of an internal investigation into the fatal shooting of Breonna Taylor by Louisville Metro Police Department had been turned over to Attorney General Daniel Cameron and his Special Prosecution Unit.

On May 21, the Louisville field office for the Federal Bureau of Investigation (FBI) announced it was launching its own independent investigation into Taylor's death. The FBI's Civil Rights Division, based in Washington D.C., announced that it is working with the Louisville field office on the case. Just this week, on March 9, representatives of the Louisville field office stated there is no timeline on the investigation's completion and that they are continuing to "actively investigate all aspects" of Breonna Taylor's death.

On May 22, 2020, our office moved to dismiss the indictment against Kenneth Walker which had been brought as a result of his alleged shooting of Sgt. Mattingly. At that time I said in part;

"I believe that additional investigation is necessary, I believe that the independent investigation by the Attorney General's Office of Kentucky, the FBI, and the US Attorney's Office must be completed before we go forward with any prosecution... If, after those reviews, we believe there is sufficient evidence to again present this matter to the grand jury, we will do so.

In September 2020, after more than two months of investigation into the shooting death of Breonna Taylor, prosecutors from the Attorney General's Special Prosecutions Unit presented the matter to a Jefferson County Grand Jury. On September 23, 2020, LMPD Officer Brent Hankison was indicted on the charges of Wanton Endangerment in the First Degree. No indictment was returned against any officer for causing the death of Ms. Taylor. On September 29, 2020 Attorney General Cameron explained in a written statement:

"The evidence supported, and our team recommended, wanton endangerment charges against Mr. Hankison. Sergeant Mattingly and Detective Cosgrove were justified in returning fire after having been fired upon by Kenneth Walker. However, the Grand Jury was presented with all of the evidence over the course of the two-and-a-half-day presentation, including information involving Sergeant Mattingly and Detective Cosgrove. If our office just presented the wanton endangerment charge against Hankison, it would have been a much shorter presentation, but we felt it was important for the Grand Jury to hear all the information before they deliberated and voted."

In late October 2020, responding to complaints that his prosecutors did not give the Breonna Taylor grand jury the option of considering murder charges against the LMPD officers, Attorney General Cameron, speaking with ABC affiliate WBKO in Bowling Green, Kentucky, explained;

"It was not our judgment that there should be other charges that the grand jury should be advised of.....The grand jury can, you know, as an independent body, bring up other questions or other issues.....I fully take responsibility for the recommendation that we made

He concluded, stating: "Based on the facts, that was the appropriate recommendation to make."

Last week, after concluding that no new information regarding Kenneth Walker had been developed since May 2020, our office moved to dismiss the charges against Kenneth Walker "with prejudice". On March 8, 2021, Judge Olu Stevens granted that motion.

Just as I exercised my discretion not to re-indict Kenneth Walker, a decision that has been widely criticized, so too, the Attorney General exercised his discretion in the presentation to the Breonna Taylor grand jury. Both the National District Attorneys Association National Prosecution Standards and the Kentucky Rules of Criminal Procedure mandate that a

prosecutor serve as a legal advisor to the grand jury. Charging recommendations are part of that advisory role.

The investigation into the death of Breonna Taylor is not over. It continues in the hands of both independent investigators and prosecutors, those of the FBI and the United States Department of Justice. Violations of federal civil rights under color of law, resulting in the death of an individual, carry the same, if not greater, penalties than those provided under Kentucky law.

The Office of Commonwealth's Attorney does not plan to present this matter to another grand jury as long as there is a pending federal investigation. To do so would create a risk of inconsistent results and recommendations and potentially hinder rather than advance justice in this case.