

Lesson Plan FID-2

Name of Instructor: Adam Miller

Program Title: Public Health and Safety

Course Title: *FID 2: Breonna Talor Use of Force Case Study*

Unit Title : **Law**

Enforcement Ethics

Lesson Title: *FID 2:*

Breonna Talor Use of

Force Case Study

Lesson Performance Objective:

Given a written materials packet, students will be able to demonstrate critical thinking, objective analysis and an understanding of the 'Police Use of Force Continuum' in a written analysis of the Breonna Taylor use of deadly force case. An analysis that offers a constructive response to each question is the minimum performance objective.

A written analysis of the event by the student will answer the following questions:

- 1) From the police officers' perspectives, discuss their potential justification for the use of force (to include consideration of the use of force continuum and the ultimate use of deadly force on one involved)*
- 2) How do you relate the US Constitution's 4th Amendment to the actions of the involved?*
- 3) If you were an occupant of this apartment, would you use deadly force (Ms. Taylor's boyfriend was legally armed) if you were in their shoes?*
- 4) From the perspective of those involved, discuss their use of force and any potential lawful justifications (IF ANY) for actions you either read in the material, or, observed (and can cite) for credible media sources*
- 5) Would body cameras likely have made a difference in the outcome, if so, what?*
- 6) Are the police officers guilty of a crime, in your opinion, based on the totality of the circumstances?*
- 7) What would YOU do differently if you were the officer in charge of this investigation prior*

to entry into the premissis?

Time (length of lesson): *Reading and Response: ~2 hours*

Equipment and Materials needed: *Computer (or type writer, or handwritten response is accepted) and handout materials*

Academic Standard(s) and Anchor(s) and/or Common Core Standard addressed by this lesson: CC.3.6.9-10.A Write arguments focused on discipline-specific content., CC.3.6.9-10.C Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience. , CC.3.6.9-10.F Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.

Technical Standard(s) or Competencies taught in this lesson:

NA

A timeline of Breonna Taylor's case since police broke down her door and shot her

By [Eric Levenson](#), CNN

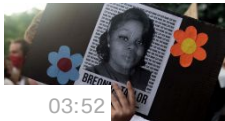
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This is what's kept Breonna Taylor's case going

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(CNN) — More than six months ago, Louisville, Kentucky police broke open Breonna Taylor’s front door and then fatally shot the 26-year-old EMT in her home.

Since then, the killing has spurred national Black Lives Matter protests and placed a greater focus on how policing impacts Black women. Locally, her death led to the passage of “Breonna’s Law,” banning no-knock warrants, and the hiring of a new interim Louisville police chief.

On Wednesday, a grand jury indicted former detective Brett Hankison on three charges of first-degree wanton endangerment for allegedly firing blindly into the apartment and endangering neighbors

Two other officers who shot at Taylor, Sgt. Jonathan Mattingly and Det. Myles Cosgrove, were not indicted. Kentucky Attorney General Daniel Cameron said they were justified in shooting out of self-defense because Taylor’s boyfriend fired first. As such, no charges were directly connected to Taylor’s death.

Here’s a look at what’s happened in the nearly six months since her death.

The shooting

On March 12, a Jefferson County Circuit Court judge approved five search warrants for locations linked to Taylor’s ex-boyfriend, a convicted felon suspected of supplying a local drug house. One of those locations belonged to Taylor.



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No officers charged directly with Breonna Taylor's death

Hours later, in the early morning of March 13, officers arrived at Taylor’s apartment and began pounding on the door, an officer later told investigators.

Taylor was in bed with her boyfriend, Kenneth Walker III, who said he heard banging at the door just after midnight. Concerned there might be trouble, he grabbed his gun, which his attorney said he legally owns. They yelled to ask who was at the door but got no



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the home.

Walker was unharmed, but Taylor was shot multiple times and died in the shooting.

“Somebody kicked in the door and shot my girlfriend,” Walker said in a 911 call.

Walker was taken away in handcuffs and a grand jury later indictment him on attempted murder of a police officer.

No drugs were found in the apartment. There is no police body camera footage of the incident.

The aftermath



Amy Harris/Invision/AP

Protesters participate in the Good Trouble Tuesday march for Breonna Taylor, on Aug. 25 in Louisville.

CNN

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the prosecution's presentation to the panel "completely mischaracterizes" what took place that night. A day later, the Louisville area's top local prosecutor agreed to have the indictment against Walker dismissed.

Two months after the shooting, Taylor's mother filed a wrongful death lawsuit against the officers involved, and prominent civil rights attorney Benjamin Crump joined the family's legal team. To settle the suit, Louisville agreed in September to pay \$12 million to Taylor's family and enact several police reforms.

CNN covered the story for the first time on May 13.

On May 21, the FBI's Louisville office announced they were opening an investigation into the circumstances surrounding her death. That same day, the Louisville Metropolitan Police Department announced it would require all sworn officers to wear body cameras. The LMPD also said it would change how the department carries out search warrants in response to Taylor's death.



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These are the people at the center of the Breonna Taylor case

The death of George Floyd on May 25 in Minneapolis brought renewed attention to police killings across the country. In Louisville and elsewhere, Black Lives Matters protesters marched for justice in the name of Floyd, Taylor and others.

A week later, Louisville police officers fatally shot a local Black business owner, David McAtee, during a protest. Video released by police appeared to show McAtee firing at officers before he was fatally shot. Police Chief Steve Conrad was fired after officials learned that the officers had not activated their body cameras.

In late June, more than three months after Taylor's death, Hankison was fired for "blindly" firing 10 rounds into her apartment that night.

"I find your conduct a shock to the conscience," interim Police Chief Robert Schroeder wrote in a letter announcing the termination. "I am alarmed and stunned you used deadly



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In July, protesters marched to Kentucky Attorney General Daniel Cameron's front lawn, and 87 people were arrested for criminal trespass, among other charges.

On August 12, Cameron met with Taylor's family for the first time, more than 150 days after Louisville Police killed her in her home. Cameron's office said in a statement he was "grateful" to hold the meeting, which included Taylor's mother, Tamika Palmer, sister, aunt,



AudioLive TV

The police department had another shakeup this month. Yvette Gentry, a longtime police officer who worked as chief of community building in city government, was appointed interim police chief on September 7. She replaces Schroeder, who is retiring, and is the first Black woman to serve as police chief in Louisville.

"This is going to signal some change," she said in an opening press conference. "A new day is coming."

Cameron said Wednesday that his office's investigation took so long because of its thoroughness, and interviews continued up to September 18. He presented the case to the grand jury this week, the grand jury returned the indictment on Wednesday, and Cameron spoke at a press conference shortly afterward.

"I know that not everyone will be satisfied," he said of the decision. "Our job is to present the facts to the grand jury, and the grand jury then applies the facts."

CNN's Christina Carrega, Elizabeth Joseph, Scott Glover, Collette Richards, Curt Devine and Drew Griffin contributed to this report.



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Officer's Guilty Plea in Breonna Taylor Case Raises Questions About Possible Cooperation With Feds



Tamika Palmer, mother of Breonna Taylor, center, is comforted as she looks over a memorial dedicated to her daughter on September 15, 2020 in Louisville, Kentucky. Brandon Bell—Getty Images

BY JOSIAH BATES

A guilty plea last week by a former Louisville Metro Police (LMPD) detective involved in the botched raid that led to Breonna Taylor’s death opens the door to her possibly cooperating with prosecutors, according to experts—something that is very rare in investigations of law enforcement officers.

The Justice Department charged Kelly Goodlett with helping to falsify the affidavit for the search warrant that authorized the “no-knock” entry into Taylor’s apartment in March 2020.



“Goodlett acknowledged that she helped another LMPD detective and their supervisor obtain a warrant to search Taylor’s home, despite knowing that the officers lacked probable cause to do so,” the federal prosecutors said in a statement on Aug. 23.

Goodlett and two other former LMPD officers—Kyle Meany and Joshua Jaynes—are accused of lying to get the search warrant for Taylor’s home. Meany and Jaynes are also charged with violating Taylor’s civil rights, which carries a maximum of up to life in prison if they are convicted.

Another officer, Brett Hankinson, is facing a separate federal charge of violating Taylor's civil rights for allegedly using excessive force by firing 10 times into Taylor's apartment.

Read more: *For Breonna Taylor's Supporters, Justice Finally Came—in the Form of Federal Civil Rights Charges*

Local media has questioned whether Goodlett is going to testify against her two former colleagues which is highly unusual for cops to do—especially in high profile cases. Usually, officers tend to band together and back one another in the face of official or criminal investigations, says Steve Cohen, a former prosecutor with the U.S. Attorney's Office for the Southern District of New York.

“For so many reasons and for so many years it has always been difficult to obtain the cooperation of a law enforcement officer,” Cohen says. “There is so much pressure on you as a law enforcement officer to stand by your brothers and sisters. The notion of violating that relationship, even to vindicate a broader principle becomes very difficult.”

Beyond that, though, the involvement of the Justice Department in a case like this is also not very common, says Joe Margulies, a criminal law professor at Cornell University and former defense attorney. “The mere fact that the feds got involved as a separate prosecution is unusual. Most cases of police shootings, even with multiple co-defendants, do not lead to federal charges,” Margulies says.

What is more routine, according to Margulies and other experts, is the alleged wrongdoing: making false statements on documents like affidavits and search warrants. Such misconduct “is staggeringly common. These are casual falsehoods that are calculatedly inserted into an affidavit in support of a warrant application. They are practiced at this,” Margulies says.

Here's what to know about the status of the charges against the four officers involved in Breonna Taylor's killing.

Kelly Goodlett

Of the four officers charged by federal prosecutors, Goodlett faces the least serious charge, by far—one count of felony conspiracy. The Department of Justice alleged that she and Jaynes worked together to write the false warrant affidavit and after the raid worked together to write a false police report to cover up the affidavit.

During a hearing last week, Goodlett pleaded guilty to the felony charge. She resigned from the police department on Aug. 5, a day after the federal charges were announced. Taylor’s mother, Tamika Palmer, was in the courtroom when Goodlett pleaded guilty.

“The warrant affidavit requested permission for officers to make a ‘no-knock’ entry at Taylor’s home because the alleged drug dealers that LMPD was investigating had a history of fleeing from the police and destroying evidence,” the DOJ statement said. “Goodlett admitted that all of the information in the warrant affidavit justifying a no-knock entry for Taylor’s home was false as it related to Taylor. Goodlett was not aware of any valid reason to seek a no-knock warrant at Taylor’s home.”

It’s not often that police officers in these types of cases plead guilty. “It could well be that the prosecutors recognized that she was somebody that was likely to cooperate and may have gotten an indication from her lawyer,” Cohen says. “I would imagine it’s highly likely that she does cooperate.”

Despite what evidence the DOJ has, a witness who can break down exactly what happened in this kind of case is always helpful for a jury. “You always want a narrator to tell the story,” Cohen says.

Read more: *It’s a Very Unusual Situation.’ What the Motion to Release the Breonna Taylor Grand Jury Records Says About the Case*

Goodlett is facing up to five years in prison, along with a possible \$250,000 fine—considerably less than the other officers, if they are convicted. It’s likely that Goodlett had reached an agreement with the prosecution before the charges were filed, Margulies suggests. “That’s customary. If they got a member of the conspiracy that’s already come to an agreement to cooperate they’ll separate that person and their charges from the others,” he says.

Goodlett’s lawyer, Brandon Marshall, did not respond to a request for comment.

She is scheduled to be sentenced on Nov. 22.

Joshua Jaynes and Kyle Meany

Jaynes is facing three charges—conspiracy, falsifying records in a federal investigation and violating Taylor’s civil rights. Meany is facing two charges: violating Taylor’s civil rights and lying to federal investigators.

Jaynes was allegedly involved with Goodlett in creating the false affidavit. He and Goodlett told a judge that their real target—Taylor’s former boyfriend—was getting packages delivered to her house, even though there was no evidence of that, prosecutors said.

According to a federal indictment, Jaynes provided a false document to the FBI around May 2020 “which he knew would be used in a criminal investigation into the preparation and execution of the Springfield Drive warrant at Breonna Taylor’s home.” In this document, Jaynes provided misleading information about the connection between Taylor and alleged drug trafficking.

A couple of weeks later, Jaynes and Goodlett met in a garage to discuss the false affidavit that they made, prosecutors say. “[Joshua Jaynes] relayed to [Kelly Goodlett] that they needed to get on the same page because they could both go down for putting false information in the Springfield Drive warrant affidavit,” the indictment reads.

Meanwhile, along with the civil rights charges that he shares with Jaynes, Meany is alleged to have made false statements to the FBI during the course of their investigation into the incident. Prosecutors say he told federal authorities that the LMPD SWAT team requested the no-knock section of the warrant affidavit when that wasn't true.

Attorneys representing Meany and Hayes did not respond to a request for comment.

The trial for Meany and Hayes is slated to begin in October.

Brett Hankinson

Hankinson's charges stem from his actions the night of the raid. While the officers were at the front door of Taylor's house, he went to the side of Taylor's house and fired 10 shots through a bedroom window and sliding door.

The window and door were covered with blinds and blackout curtains so it was impossible for him to see anything inside the house. During his state trial earlier this year, Hankinson argued that he thought the officers who were conducting the raid were under gunfire. He was found not guilty in that trial.

Hankinson's attorney did not immediately respond to a request for comment.

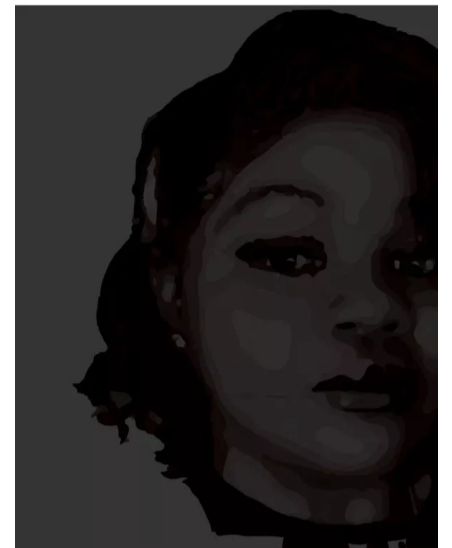
His trial is scheduled to begin in November.

WRITE TO JOSIAH BATES AT JOSIAH.BATES@TIME.COM.

JUSTICE IN PUBLIC SAFETY PROJECT

JUSTICE DENIED:

An Overview of the Grand Jury Proceedings in the Breonna Taylor Case



In March 2020, Louisville Metro Police Department (“LMPD”) officers shot and killed Breonna Taylor, an unarmed Black woman, daughter, and Emergency Room Technician, in her home while executing a search warrant. The deaths of Ms. Taylor and other Black persons, including George Floyd, at the hands of law enforcement officers have sparked protests and conversations nationwide about systemic racism and extra-judicial police violence perpetrated against people of color in America.

These protests and conversations were further ignited after Kentucky Attorney General Daniel Cameron (“AG Cameron”) announced on September 23, 2020, that the police officers who shot Ms. Taylor would not be indicted on any charges related to her death. Instead, one officer was charged with wanton endangerment for shooting into a neighboring apartment.

Following this announcement, a member of the grand jury filed a motion seeking, among other things, the release of the transcripts from the proceedings. Jefferson County Circuit Court Judge Ann Bailey Smith granted the motion and released the audio recordings of the proceedings. This prompted LDF to assemble a team of attorneys to analyze the audio recordings in order to provide insight into any deficiencies in the grand jury process.

Our [review](#) reveals that the Kentucky Attorney General’s Office presented a biased view of the case that favored law enforcement. Contra to AG Cameron’s statements during the September 23, 2020, press conference, he did not present charges of homicide or explain the justification of self-defense. Instead of providing the grand jury with all relevant evidence, the Kentucky Attorney General’s Office made its own determination as to how the case should be resolved and tailored its presentation to guarantee that outcome.

This is a grave injustice.

We, therefore, call on the Kentucky Attorney General’s Office to **appoint a special prosecutor to resubmit the case to a new grand jury**, present additional evidence and applicable charges, and fully explain the application of principles of self-defense.

READ OUR FULL ANALYSIS OF THE GRAND JURY PROCEEDINGS.

THE INCIDENT

Shortly after midnight on March 13, 2020, plainclothes officers from the LMPD forced entry into Ms. Taylor’s apartment while executing what was initially authorized as a no-knock warrant. The officers intended to search her apartment on suspicion that she received packages related to alleged activity by her ex-boyfriend involving regulated substances. When the officers breached the door, Kenneth Walker (Ms. Taylor’s boyfriend), believing the officers were intruders, fired one warning shot towards the ground from his licensed gun. The prosecution alleged that Mr. Walker’s bullet hit Sergeant Jonathan Mattingly in the leg, however, according to a ballistics report, the bullet that struck Sergeant Mattingly was neither “identified nor eliminated as having been fired” from Mr. Walker’s gun.

In response to Mr. Walker’s warning shot, LMPD officers Mattingly, Myles Cosgrove, and Brett Hankison discharged 32 rounds into the dark apartment, without identifying a target and without an ability to see where their bullets would land. Five of these rounds, fired by Sergeant Mattingly and Detective Cosgrove, and another projectile struck Ms. Taylor, with one causing her death. Of the remaining 27 rounds, former Detective Hankison fired 10.

SHARES



Former LDF President and Director-Counsel Sherrilyn Ifill joined MSNBC's Chris Hayes to discuss the decision in the Breonna Taylor case.

OVERVIEW OF GRAND JURY PROCEEDINGS

A grand jury in Kentucky consists of a group of citizens who decide whether to formally charge a person with a felony offense. A prosecutor presents evidence of a criminal offense to the grand jury, as well as the list of charges on which the accused may be indicted. A grand jury can also request that prosecutors draft additional charges with which they may not have been initially presented. Under the Kentucky Rules of Criminal Procedure, grand juries are “charge[d] ... to inquire into every offense for which any person has been held to answer and for which an indictment or information has not been filed, or other offenses which come to their attention or of which any of them has knowledge.” After all evidence is presented, the grand jurors deliberate to determine whether sufficient evidence exists to support an indictment and require the accused to stand trial.

Five months after Ms. Taylor's killing, AG Cameron responded to sustained public demands for an independent investigation of the incident. Over the course of three days, beginning on September 21, 2020, a prosecutor for the Kentucky Attorney General's Office presented evidence to a grand jury regarding the shooting of Ms. Taylor and the surrounding events. The grand jury listened to interviews and recorded phone calls, viewed videos and photographs, and had the opportunity to ask questions of the prosecutor. The publicly released recordings of the grand jury hearings do not include the presentation of charges by the AG Cameron to the grand jury; however, according to a statement from an anonymous grand juror, “[t]he grand jury was not presented any charges other than the three wanton endangerment charges against Detective Hankison.”

SHARES



LMPD's Public Integrity Unit (“PIU”) developed the evidence that the Kentucky Attorney General's Office presented to the grand jury. PIU investigated events surrounding Ms. Taylor's killing by reviewing, among other things, videos and photographs of the scene, Ms. Taylor's autopsy report, emails from individuals involved, and social media posts related to the incident. PIU also interviewed four of Ms. Taylor's neighbors and 15 responding LMPD and Special Weapons and Tactics Team officers. Following the investigation, LMPD terminated then-Detective Hankison for violating LMPD policies when he “displayed an extreme indifference to human life” by “wantonly and blindly” firing into Ms. Taylor's apartment without identifying any immediate threat. Sergeant Mattingly and Detective Cosgrove, who fired the bullets that struck Ms. Taylor, were placed on administrative leave.

In the press conference held by AG Cameron on September 23, 2020, discussing the grand jury process, he asserted that the warrant was not served as a no-knock warrant, that the officers' shots were all discharged in a matter of seconds, and that two of the LMPD officers who fired into Ms. Taylor's apartment were justified in doing so, all of which are disputed points. The only charges brought by the grand jury were charges for wanton endangerment against one of the three officers for shooting into a neighboring apartment.

THE GRAND JURY PROCEEDING RECORDINGS

The following audio recordings from the grand jury proceedings are provided and compiled by the Louisville Courier-Journal



41.8K

The Louisville Courier Journal - BT Sept. 21 - 1.MP3

41.8K

The Louisville Courier Journal - BT Sept. 23 - 1.MP3

1.4K

The Louisville Courier Journal

Breonna Taylor tapes: Hear grand jury audio recordings from case[Privacy policy](#)

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To increase transparency about the grand jury process, and accessibility to the proceedings for members of the public, counsel for the Legal Defense Fund transcribed the audio recordings and compiled the below transcripts. They are not official transcripts. Every effort has been made to provide complete and accurate information; any inaccuracies are unintentional.

DAY 1: SEPTEMBER 21, 2020 TRANSCRIPTS

[Sept. 21 Transcript \(Recording 1\)](#)[Sept. 21 Transcript \(Recording 2\)](#)[Sept. 21 Transcript \(Recording 3\)](#)[Sept 21. Transcript \(Recording 4\)](#)[Sept. 21 Transcript \(Recording 5\)](#)

DAY 2: SEPTEMBER 22, 2020 TRANSCRIPTS

[Sept 22 Transcript \(Recording 1\)](#)[Sept. 22 Transcript \(Recording 2\)](#)[Sept 22 Transcript \(Recording 3\)](#)[Sept. 22 Transcript \(Recording 4\)](#)[Sept. 22 Transcript \(Recording 5\)](#)[Sept 22. Transcript \(Recording 6\)](#)

DAY 3: SEPTEMBER 23, 2020 TRANSCRIPTS

[Sept. 23 Transcript \(Recording 1\)](#)[Sept. 23 Transcript \(Recording 2\)](#)[Sept. 23 Transcript \(Recording 3\)](#)

SHARES



BIAS AND FLAWS IN THE PRESENTATION OF THE CASE TO THE GRAND JURY

The Kentucky Attorney General's Office's Presentation of Evidence to Grand Jurors Revealed a Bias to Protect the Involved Officers.

- Prosecutors relied heavily on one witness who supported the LMPD officers' version of events, despite contrary statements from multiple witnesses.
- Prosecutors failed to present body camera video or audio evidence and failed to explain the lack of such evidence.
- Prosecutors played prejudicial and irrelevant questioning of Mr. Walker to the grand jury and failed to show evidence of racial bias against the witness.
- The prosecution misled the grand jury regarding the validity of the search warrant.
- Prosecutors failed to present evidence showing LMPD officers violated department protocol.



READ OUR FULL ANALYSIS OF THE GRAND JURY PROCEEDINGS.

RECOMMENDATIONS AND CONCLUSION

The Kentucky Attorney General’s Office did not make a fair and comprehensive presentation to the grand jury about the involved officers’ conduct that led to Ms. Taylor’s killing, but instead displayed an inappropriate bias in favor of the officers. This bias was evidenced by the prosecution’s decision to omit homicide charges based on an erroneous interpretation of Kentucky state law, the selective presentation of evidence that benefited the officers, and the failure to respond adequately to grand juror inquiries that could have led to unfavorable facts about the officers.

Consistent with the request of Ms. Taylor’s family, AG Cameron, through the Office of the Prosecutors Advisory Council, should appoint a special prosecutor to resubmit the case of the LMPD officers’ actions in the shooting of Ms. Taylor to a new grand jury, present all relevant evidence and applicable charges, allow the grand jury to pursue additional charges beyond the prosecutors’ recommendation where the grand jury deems it appropriate, and fully explain the principles of self-defense and their applicability to Ms. Taylor’s death.

The Governor should call for legislation to establish a process for the appointment of special prosecutors in cases involving potential criminal wrongdoing by law enforcement officers, governed by standards that ensure independent investigation and impartial prosecution of law enforcement officers, when warranted.

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LAW

Legal Analysis Of An Indictment In The Breonna Taylor Case

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NPR's Mary Louise Kelly talks with Jamiles Lartey of the Marshall Project about the legal reasoning behind the lack of criminal charges in Breonna Taylor's death.

MARY LOUISE KELLY, HOST:

Protests continue today in Louisville, Ky., over the news from yesterday - no charges in the police killing of Breonna Taylor. Taylor was 26 when she was shot and killed by plainclothes police officers who burst into her apartment late at night to execute a search warrant. Well, one officer was charged with wanton endangerment because several bullets he fired entered a neighboring apartment, which left many protesters wondering, what about the bullets that struck and killed Taylor herself?

Here to help us understand the legal reasoning is Jamiles Lartey. He covers legal issues and criminal justice for the Marshall Project.

Hey there. Welcome.

JAMILES LARTEY: Hey. Thanks for having me.

KELLY: So Taylor's family and their supporters, many activists, they were hoping for homicide charges - for murder, for manslaughter. What are the legal issues that may have prevented such charges from being filed?

LARTEY: Yeah, it's an interesting question. So police officers do have special laws that dictate their use of force when trying to arrest a suspect. So there's - and there's tons of Supreme Court case law on this as well, most notably Tennessee vs. Garner. That's the fleeing felon rule. They can't shoot someone or use deadly force just because they're scared they're going to get away. So there's a lot that the law says about the use of force when they're doing the job of being a police officer. But when it comes to the use of force of self-defense, that they fear for their life or they fear for the life of the other officers with them, police officers in Kentucky and in 29 other states have the same rights and privileges as anyone else.

KELLY: The same right to defend themselves if they feel...

LARTEY: To defend themselves - that's exactly right. And that probably sounds good to a lot of people because a lot of the current police reform discourse in recent years has essentially centered around the demand that police be accountable the same as anyone else. But the issue is that police have rights and I think, arguably, responsibilities in terms of, you know, a superior officer ordering you to do something like burst into someone's home at 1:00 a.m. with a battering ram, where if you or I were to do that and someone shot us, we would be considered the aggressor under Kentucky state law, and we'd have no right to a self-defense claim. And so the ambiguity and the kind of legal stalemate happens because police officers acting on a legally obtained warrant have the right to do that. So in that sense, it's impossible for the law to define a first aggressor.

KELLY: So just to make sure I understand this, the police officers in this case had a warrant to legally enter Breonna Taylor's apartment. They have a right to defend themselves. Breonna Taylor, of course, also has a right to - we all have a right to defend ourselves if our home is invaded. It sounds like this is kind of a legal Bermuda Triangle (laughter) trying to figure out, as you say, who's the aggressor, who's defending who, who started this.

LARTEY: Yeah, very much so. And so when it gets confusing and frustrating, as I so understand that it is, what I like to point people towards is, I think, my favorite topic of discussion in policing, which is the idea of officer-created danger. And that's the idea that police officers have a tremendous amount of leeway in their tactical approach to situations, and there are a lot of tactical approaches that are better than others.

The one example that I usually point people to is Tamir Rice in Cleveland years ago, right? This was a case where they got a call about a young man who had a gun in a park - what looked like a gun. The person making the 911 call said, I think it's probably fake, but, you know, can you guys go check it out? They pull up within a couple of feet of him, and they get out of the car. And thus, they're now in danger because someone who might have a gun is two feet away from them.

So this is a similar example of - serving a warrant at one o'clock in the morning when you could have known that there was a legal firearm holder in the house is pretty much the most dangerous way to serve that warrant. So there can be more discussion on how police are approaching these situations.

KELLY: All right. That is Jamiles Lartey. He writes about legal issues and criminal justice for the Marshall Project and is one of many people we're hearing from this week as we continue to report on the life and death of Breonna Taylor.

Jamiles Lartey, thank you so much.

LARTEY: Thanks for having me.

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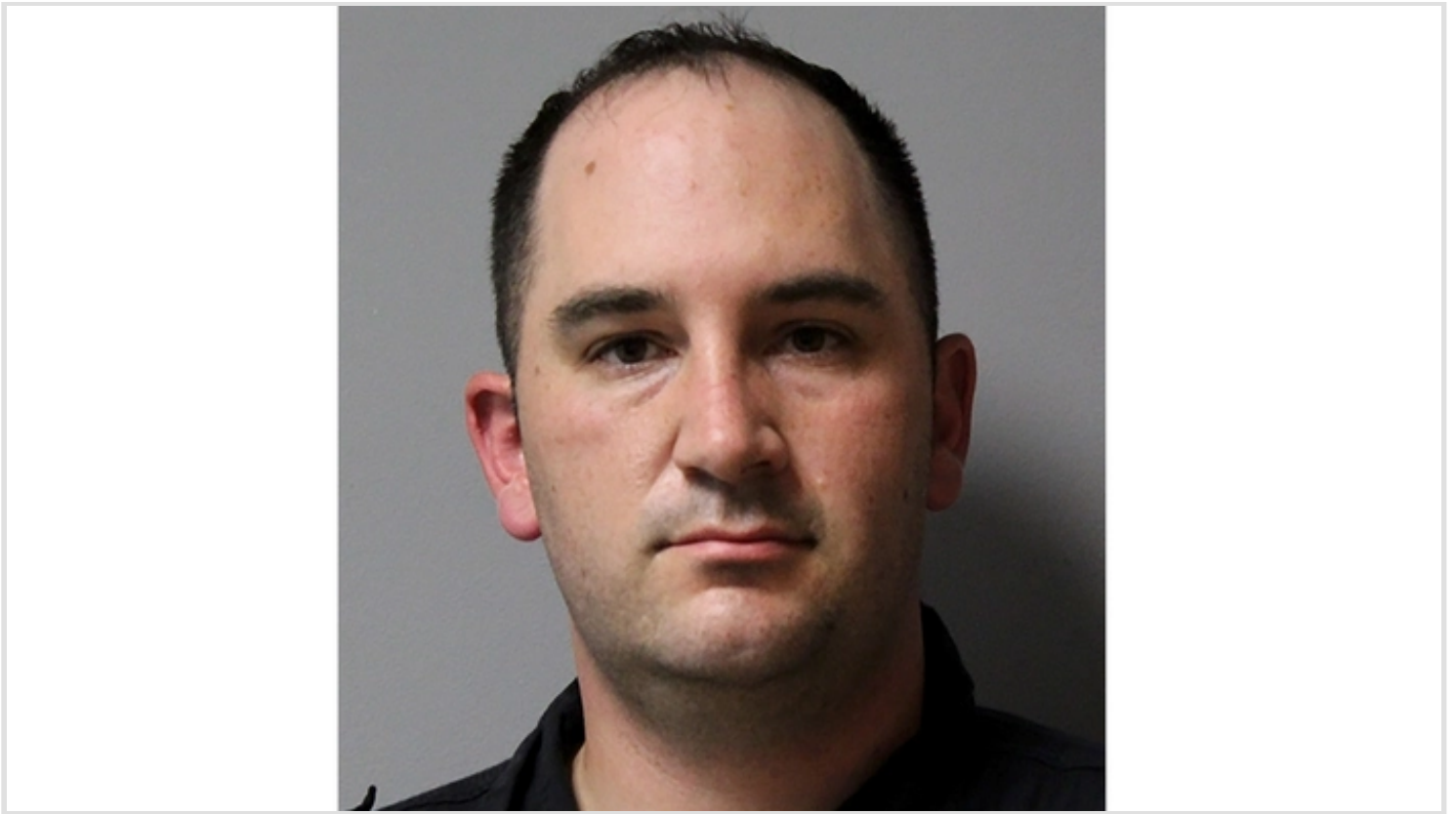
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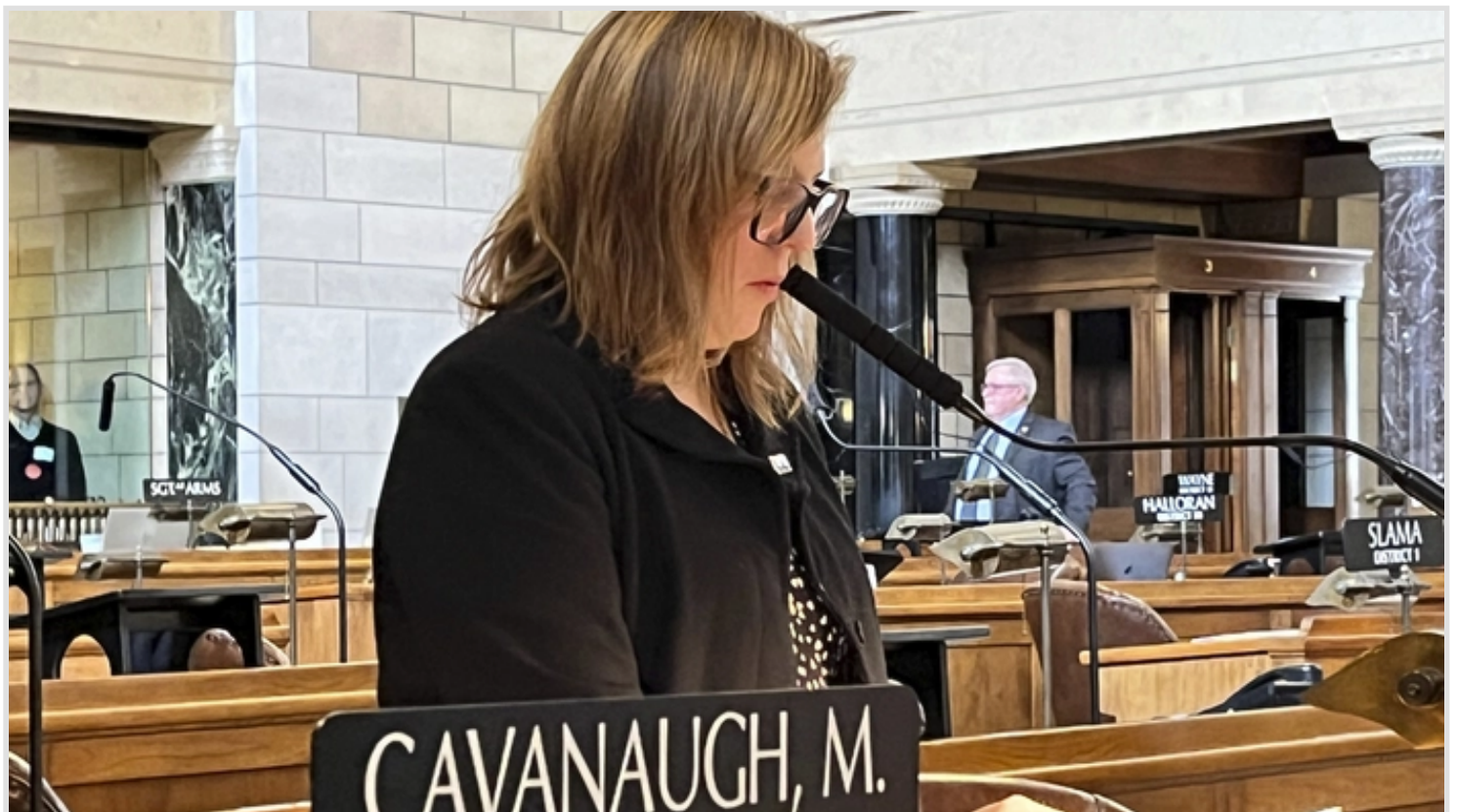
Former model accuses onetime Harvey Weinstein associate of sexual assault



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