

Knoxville Police Department Internal Affairs Unit



IAU Case # 23-2901

Prepared By:

Sergeant M. Dabbelt #2059





KNOXVILLE POLICE DEPARTMENT

INTERNAL AFFAIRS UNIT

COMPLAINT AGAINST EMPLOYEE

IAU CASE NUMBER: 23-2901

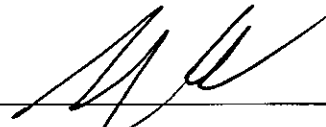
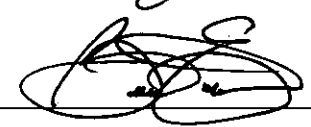

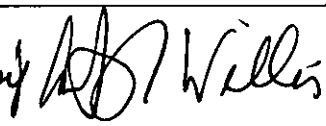

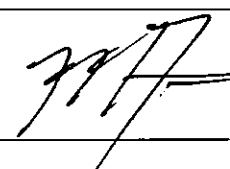
COMPLAINANT: Captain Steve Still		SOCIAL SECURITY NUMBER:	DATE OF BIRTH:
RESIDENCE ADDRESS:			PHONE:
BUSINESS ADDRESS: 800 Howard Baker Junior Avenue Knoxville, TN 37915			PHONE: 865-215-7000
DATE OF ALLEGED INCIDENT: 02/05/2023	TIME OF ALLEGED INCIDENT: Morning	LOCATION OF ALLEGED INCIDENT: FSRMC.	
TYPE OF COMPLAINT: In-custody Death			
EMPLOYEE COMPLAINED AGAINST: Sergeant B. Wardlaw		DEPARTMENT: Police	
DATE COMPLAINT RECEIVED: 02/09/23		TIME COMPLAINT RECEIVED: 1307	
INVESTIGATOR ASSIGNED: Sergeant M. Dabbelt #2059		DATE INVESTIGATION CONCLUDED: 04/25/23	

DISPOSITION CLASSIFICATION

- | | | | |
|-------------------------------------|-----------------------|---|--|
| <input checked="" type="checkbox"/> | FIRST DEGREE | SUSTAINED | The allegation is supported by sufficient evidence to believe the incident occurred. Recommendation for appropriate disciplinary action is made. |
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Chain of Command

Signature

I.A.U. INVESTIGATOR	
I.A.U. COMMANDER	
DISTRICT UNIT COMMANDER	
DIVISION COMMANDER	Dep. Chief  Willis
DEPARTMENT HEAD	 
FIRST LINE SUPERVISOR (Closed case review)	



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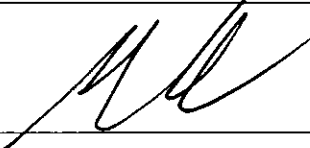
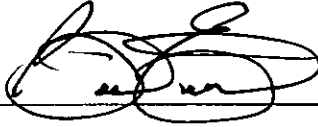
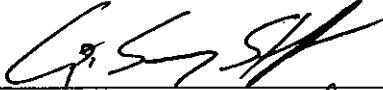


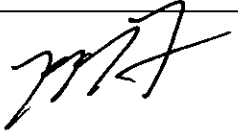
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TYPE OF COMPLAINT: In-custody Death			
EMPLOYEE COMPLAINED AGAINST: Officer A. Barnett		DEPARTMENT: Police	
DATE COMPLAINT RECEIVED: 02/09/23		TIME COMPLAINT RECEIVED: 1307	
INVESTIGATOR ASSIGNED: Sergeant M. Dabbelt #2059		DATE INVESTIGATION CONCLUDED: 04/25/23	

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FIRST LINE SUPERVISOR (Closed case review)	



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TYPE OF COMPLAINT: In-custody Death			
EMPLOYEE COMPLAINED AGAINST: Officer T. Distasio		DEPARTMENT: Police	
DATE COMPLAINT RECEIVED: 02/09/23		TIME COMPLAINT RECEIVED: 1307	
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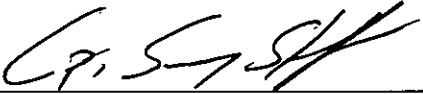
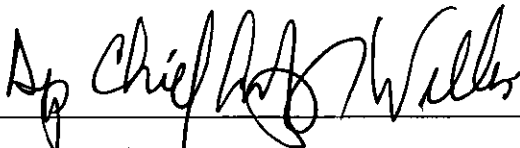

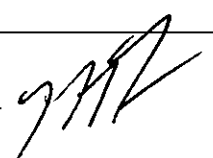
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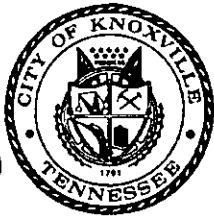
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FIRST LINE SUPERVISOR (Closed case review)	



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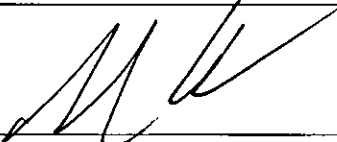
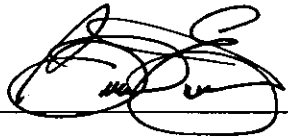

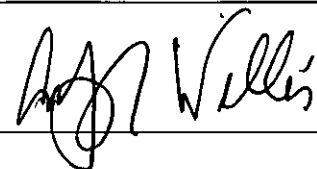

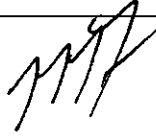
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TYPE OF COMPLAINT: In-custody Death			
EMPLOYEE COMPLAINED AGAINST: Senior Transportation Officer Dugan		DEPARTMENT: Police	
DATE COMPLAINT RECEIVED: 02/09/23		TIME COMPLAINT RECEIVED: 1307	
INVESTIGATOR ASSIGNED: Sergeant M. Dabbelt #2059		DATE INVESTIGATION CONCLUDED: 04/25/23	

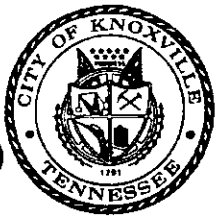
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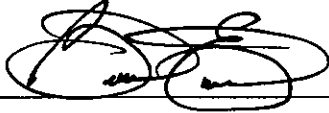

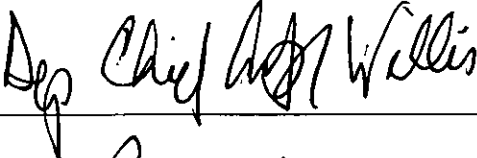

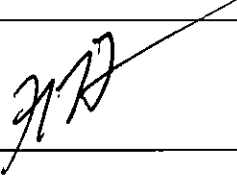
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TYPE OF COMPLAINT: In-custody Death			
EMPLOYEE COMPLAINED AGAINST: Officer H. Marshall		DEPARTMENT: Police	
DATE COMPLAINT RECEIVED: 02/09/23		TIME COMPLAINT RECEIVED: 1307	
INVESTIGATOR ASSIGNED: Sergeant M. Dabbelt #2059		DATE INVESTIGATION CONCLUDED: 04/25/23	

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<p>DIVISION COMMANDER</p>	<p>Dep Chief  Willis</p>
<p>DEPARTMENT HEAD</p>	<p> Paulson </p>
<p>FIRST LINE SUPERVISOR (Closed case review)</p>	

EXECUTIVE SUMMARY

As summarized below and explained in the exhibits, Knoxville Police Department (KPD) Sergeant Brandon Wardlaw arrested Lisa Edwards. Police Officers Adam Barnett and Timothy Distasio, and Senior Transportation Officer Danny Dugan were involved in various aspects of Ms. Edwards' arrest and subsequent transportation.

During the encounter, Ms. Edwards made statements about her well-being and health-related statements that were either not addressed at all or inadequately addressed by the officers on scene. While failing to address those health-related concerns, officers did engage Ms. Edwards in a way that showed a disregard for her human dignity and life. While in KPD custody, Ms. Edwards became unconscious, and died the next day.

The instant IAU investigation followed. There is a preponderance of the evidence that supports proposed findings that Sergeant Wardlaw and Officers Barnett and Distasio violated one or more of the following policies: Unbecoming Conduct (Class A), Neglect of Duty (Class A), Unsatisfactory Performance (Class B), Treatment of Prisoners (Class B), Unconscious Persons (Class B), Courtesy (Class C), and Transportation (Seatbelt) (Class C); and, that Officer Dugan did not violate any policies. Specifically, the proposed findings are:

a. **Wardlaw:**

1. Unbecoming Conduct,
2. Neglect of Duty,
3. Unsatisfactory Performance,
4. Treatment of Prisoners,
5. Courtesy, and
6. Prisoner Transportation (seat belt).

b. **Barnett:**

1. Unbecoming Conduct,
2. Unsatisfactory Performance,
3. Treatment of Prisoners, and

4. Courtesy.

c. **Distasio:**

1. Unbecoming Conduct,
2. Neglect of Duty,
3. Unsatisfactory Performance,
4. Treatment of Prisoners,
5. Courtesy,
6. Prisoner Transportation (seat belt), and
7. Unconscious Persons.

To the contrary, based on the IAU investigation, there is not a preponderance of the evidence that Dugan violated any KPD policies and therefore there are no proposed findings for Dugan.

d. **Dugan: All proposed findings: Exonerated (Third Degree).**

KNOXVILLE POLICE DEPARTMENT (KPD)
Internal Affairs Unit (IAU) Case #23-2901—Lisa Edwards' In-Custody Death Summary

FACTS

1. On February 5, 2023, Gerrid Utley, a security guard—not a KPD employee—at Covenant Health Fort Sanders Regional Medical Center (FSRMC) called 911,¹ and stated, “Hey, this is Sergeant Utley over at [FSRMC].² Hey, we’ve got a trespasser on site that’s gonna be, that she’s gonna need to be removed. She’s refusing to leave the property. She’s just outside our emergency department. She’s sitting in a wheelchair. She’s covered in some blankets. She’s just got green hospital scrubs on. She, she’s not violent or anything, she’s just refusing to leave. Alright. Appreciate it.” *Exhibit 1, 911 Call Transcript and Audio Recording*. Sergeant Brandon Wardlaw, who, by virtue of being a sergeant, supervises subordinate KPD sworn and non-sworn civilian officers, including Officers Adam Barnett, Timothy Distasio, and Danny Dugan,³ responded to FSRMC. Wardlaw saw a woman sitting in a wheelchair when he arrived, and determined that she was the subject of Utley’s 911 call. *Exhibit 3, Wardlaw Body Camera*.⁴ Wardlaw later identified her as Lisa Edwards.

Ms. Edwards explained her health condition and experience at FSRMC.

2. Ms. Edwards made statements during the totality of her February 5th encounter with KPD officers, including the following. “I’ve got nowhere to go” (:44), “I don’t know what to do, honey” (1:12), “I had a stroke” (1:19), “They beat me up last night” (1:23), “I can’t even get out of here” (1:47), “I can’t walk” (2:02), “I’ve had a stroke on my left side” (2:06), “My ankle’s shattered” (2:10), “Don’t hurt me” (7:04) and “I wasn’t giving them problems” (2:30). *Exhibit 3, Wardlaw Body Camera*.

The security guards provided a different description of Ms. Edwards.

3. Wardlaw also encountered security guards⁵ who made statements to him about Ms. Edwards, including the following. Ms. Edwards “was walking fine” (*Exhibit 3-Clip 2, 13:28, Exhibit 11, Wardlaw Interview, p. 35, l. 32-37*), “She came over here from another hospital, I guess

¹ The investigation revealed that the 911 caller, Sergeant Utley, was an employee of Shield and Buckler, Inc., who has since ceased service at FSRMC as a contract security guard. *Exhibit 4*.

² KPD IAU attempted to interview the involved FSRMC security guards, who were employed at the time of this incident through at least Thursday, April 27, 2023 with Shield and Buckler. Shield and Buckler denied the request to interview their employees. *Exhibit 28*.

³ *Exhibit 2*, The City of Knoxville Civil Service Merit Board General Government Classification Specification, Sergeant, 1/19: “Supervises: Subordinate officers or those officers or individuals as directed by higher authority.” Other references regarding job classification will be referred to as, “position description.”

⁴ Body camera time references are shown on the video at the bottom of the video by hour, minute, and second, which are the time references used throughout this document.

⁵ These security guards were not and are not KPD sworn or non-sworn employees. The security guards made various statements to or about Ms. Edwards on scene including addressing her with profanity e.g., “we sit you up like 10 fucking times” and “leave her on the sidewalk, put a white blanket over her, and everyone could go on with their day.”

she's hospital hopping" (3:22), "Doesn't have anywhere to stay" (3:26), "She was a big pain in the ass inside the hospital, she . . . shit all over the place, got shit all over her . . . was fighting with staff members" *Exhibit 3, Wardlaw Body Camera*, 3:27, "We kick[ed] her out . . . she got discharged, rather, she doesn't have anywhere to go" *Exhibit 3, Wardlaw Body Camera*, 3:38, "She's like, just call the police, I ain't going nowhere" *Exhibit 3 Wardlaw Body Camera* 3:42, "She was discharged from Blount Memorial" *Exhibit 3 Wardlaw Body Camera* 3:43, and "she's already been discharged, she's already been cleared by the doctor, she just doesn't want to leave" *Exhibit 3, Wardlaw Body Camera*, 3:49. Wardlaw did not verify the security guards' statements regarding Ms. Edwards' ability to walk. *Exhibit 11, Wardlaw Interview*, p. 19, l. 11-22.

Wardlaw chose to arrest Ms. Edwards for trespass.

4. The provided information differed: Ms. Edwards—"I can't walk" (*Exhibit 3, Wardlaw Body Camera*, 2:02)—in contrast to the information provided by the security guards—"they even told me she's fine . . . she was walking"—(*Exhibit 12, Wardlaw Interview*, p. 25, l. 35). Wardlaw did not conduct any independent investigation to address these mutually exclusive, inapposite statements, including any effort to seek information to address the divergently different positions between the parties' accounts of fact like going into the hospital and seeking to confirm anything the security guards alleged or seeing if Ms. Edwards could stand independently before demanding that she walk. *Exhibit 11, Wardlaw Interview*, p. 19, l. 11-14. To the contrary, as Ms. Edwards attempted to explain her perspective, Wardlaw interrupted Ms. Edward when she spoke. *Exhibit 3, Wardlaw Body Camera*, 4:51, 5:00. As Ms. Edwards attempted to explain her position, Wardlaw interrupted by repeating information that he heard from the security guards that she had talked to the doctors and the hospital personnel wanted her to leave. *Exhibit 3, Wardlaw Body Camera*, 4:50. Ms. Edwards stated, "I ain't done nothin' . . . "please don't hurt" . . ." *Exhibit 3, Wardlaw Body Camera*, 7:02. Wardlaw responded, "Start talking nonsense like that. I'm done with you. You'll go to jail." *Exhibit 3, Wardlaw Body Camera*, 7:05. Thus, Wardlaw's mind was made up to arrest Ms. Edwards within approximately seven minutes into the encounter. Later, Wardlaw recounted this to Barnett and stated, "I was going to try to help her as much as I could and she started with that oh, please don't hurt me police stuff . . . and I'm like, I'm not dealing with that. We'll just go to jail." *Exhibit 3, Wardlaw Body Camera*, 13:20-30. **Wardlaw did not change his decision to take Ms. Edwards "to jail" as the encounter with Ms. Edwards unfolded, including determining whether he was presented with new information, that is, that Ms. Edwards' health condition may have changed between the time she was allegedly release from FSRMC's custody through the duration of his seizure, arrest, and attempted transport of her.**

Wardlaw failed to conduct any additional independent investigation once he made the credibility determination between the security guards and Ms. Edwards' contradictory statements.

5. After speaking with Ms. Edwards and security guards, without additional investigation, Wardlaw made a credibility determination by accepting the information the security guards provided him and he acted upon as fact. *Exhibit 11, Wardlaw Interview*, p. 19, l. 20. Wardlaw concluded that Ms. Edwards had the ability to leave FSRMC on her own, and that Ms.

Edwards was faking any inability to leave FSRMC on her own because of “not wanting to go to jail.” *Exhibit 11, Wardlaw Interview, p. 87, l. 29-38.* Wardlaw arrested Ms. Edwards for criminal trespass. *Exhibit 5, Edwards’ Arrest Report.*

Additional KPD officers arrived on scene, and attempts to load Ms. Edwards failed.

6. Following Wardlaw’s decision to arrest Ms. Edwards, Officers⁶ Barnett, Distasio, and Senior Transportation Officer Dugan⁷ were on the scene. *Exhibits 6-8, Body Cameras of Barnett, Distasio, and Dugan, respectively.* Wardlaw, Barnett, and Dugan attempted to load Ms. Edwards into Dugan’s transportation wagon. The attempts repeatedly failed. *Exhibit 6, Barnett Body Camera, 31:01, 33:20, 34:40, 37:15, 38:35, 38:56.* As the attempts to load Ms. Edwards failed, the KPD officers on scene became “frustrated” and repeatedly stated that Ms. Edwards was “faking” any inability to get into the transportation wagon on her own or to aid the officers in doing so. *Exhibit 3-Clip 2, 1:20, Exhibit 6, 31:30, 50:20, Exhibit 7, 37:22, Exhibit 8, 57:50, Exhibit 10, Barnett Interview, p. 98, l. 6-7, Exhibit 10, Dugan Interview, p. 57, l. 12.*

Ms. Edwards communicated various pleas to the officers.

7. During the encounter with the KPD officers, Ms. Edwards stated, “I’m not a bad girl” (*Exhibit 3, Wardlaw Body Camera, 6:40*), “Please don’t let me fall” (*Exhibit 6, Barnett Body Camera, 29:18*), “Oh, God” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 2:16*), “Oh my God,” “I’m gonna pass out” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 2:20*), “my purse, please . . . my inhaler” (*Exhibit 3-Clip 2, Wardlaw Body Camera 2:34*), “You guys can’t do this to me” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 3:19*), “I can’t breathe” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 3:53*), “I can’t breathe” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 4:04*), “I’m gonna pass out” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 4:06*), “I’m going out” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 4:33*), “get a stretcher” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 7:40*), “I can’t breathe” (*Exhibit 3-Clip 2, Wardlaw Body Camera 7:52*), “I’m gonna have another (stroke)” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 8:36*), “hand me my purple jacket” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 10:13*), “my purple jacket” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 10:16*), “get me up, get me up” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 11:02*), “I can’t breathe, I’m gonna die” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 11:30*), “please sit me up” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 11:55*), “sit me up” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 11:56, 11:58, 12:00, 12:02, 12:11, 12:14*), “No, I don’t want that (to go to jail)” (*Exhibit 3, Wardlaw Body Camera, 5:15*), “help me,” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 13:10*), “sir please,” and again, “I’m gonna die.” (*Exhibit 3-Clip 2, Wardlaw Body Camera, 11:32*). During her encounter with these officers, the weather was cold and some officers were dressed in outerwear, but Ms. Edwards laid on the ground wearing hospital scrubs with her clothing exposing portions of buttocks. *Exhibit 3, Wardlaw Body Camera, 3:15, Exhibit 22,*

⁶ Sergeant Wardlaw was the highest ranked sworn KPD officer on scene. Barnett is a police officer III and senior to Distasio, who is a police officer and the most junior KPD sworn officer on scene. Dugan is a civilian, and not part of KPD’s sworn law enforcement. He is subordinate in the KPD chain of command and positional hierarchy to all other officers on this scene.

⁷ In addition to these officers, Officer Hayden Marshall, was also present, but there is not a preponderance of the evidence that he substantively engaged with Ms. Edwards.

Photographs and Printouts, Exhibit 11, Wardlaw Interview, p. 60, l. 13, 19. Ms. Edwards' breathing was labored and her words slurred. *Exhibit 3-Clip 2, Wardlaw Body Camera.* When an unidentified man walked by the scene, Ms. Edwards called out, "Doctor! Doctor!" *Exhibit 3-Clip 2, Wardlaw Body Camera, 13:00.* Ms. Edwards also stated, "I'm going out of my head" and "you're gonna kill me."

Barnett offered Ms. Edwards a cigarette.

8. Barnett searched Ms. Edwards' property. *Exhibit 6, Barnett Body Camera, 42:51.* Ms. Edwards asked for her inhaler, which proved to be in her property that was in the officers' possession. Barnett searched Ms. Edwards' property for the inhaler that she asked for, but did not find the inhaler medication for the inhaler immediately. *Exhibit 6, Barnett Body Camera, 44:59.* But, cigarettes were discovered in Ms. Edwards' property and, although Ms. Edwards sought an inhaler with labored breathing, Barnett asked Ms. Edwards, "You want a cigarette?" *Exhibit 6, Barnett Body Camera, 47:16.*

Officers could not find Ms. Edwards' inhaler medication, and concluded that she misused the inhaler once the medication was found.

9. Officers on scene stated that Ms. Edwards did not have the inhaler (*Exhibit 6, Barnett Body Camera, 37:50*) and that the inhaler was empty; but ultimately, Barnett continued to search Ms. Edwards' property and someone found the medicine for the inhaler that Ms. Edwards had been asking for. *Exhibit 6, Barnett Body Camera, 44:55.* Ms. Edwards used the inhaler, but in Wardlaw's judgement, "she just [blew] it out" and did not "inhale any of it." *Exhibit 3-Clip 2, 10:00* and *Exhibit 11, Wardlaw Interview, p. 15, l. 21-23.* Wardlaw stated that Ms. Edwards was not using the inhaler "correctly," and Wardlaw retrieved the inhaler from Ms. Edwards. *Exhibit 3-Clip 2, Wardlaw Body Camera, 10:40* and *Exhibit 11, Wardlaw Interview, p. 15, l. 23.* Wardlaw concluded that Ms. Edwards' inhaler misuse was purposeful and not from a medically-induced inability to use it properly. *Exhibit 11, Wardlaw Interview, p. 86, l. 24-30.* Specifically, Wardlaw stated that, "If she was really out of breath, and she needed that inhaler, she would be doing everything she could to hold in the medicine that she was pumping, and she was not. So that led me to believe you aren't really out of breath. This is an act because, again, . . . I've been short of breath, and when I'm short of breath and I use that inhaler, I hold my breath for a extra amount of time to make sure I keep it all in. Sometimes, I pump it more than twice to make sure that I get that inhaler in. There's no way I'm going to be blowing it out if I can't breathe like she's saying she can't breathe." Wardlaw noted that he himself uses an inhaler. Wardlaw reached this conclusion and did not testify about considering any alternative explanation for Ms. Edwards' inhaler use, including that she may have lacked the physical ability to properly use the inhaler. *Exhibit 11, Wardlaw Interview, p. 86, l. 24-30.*

Barnett viewed Ms. Edwards as dead weight, and opined that she failed to help the officers "on purpose" and that she had "piss[ed him] off."

10. Barnett told Ms. Edwards, "You've been medically cleared ma'am, this is not going to work" (*Exhibit 6, 31:30*), a reference to Ms. Edwards not assisting the officers with loading her into a police vehicle. *Exhibit 9, Barnett Interview, p. 35 l. 32-33, p. 38, l. 10-11.* Barnett also stated, "I believe she could help us and she was not. That's why I believe she was passively

resisting” and “She was being dead weight.” *Exhibit 9 p. 38, l. 10-11, p.38, l. 28-29*. Barnett stated that Ms. Edwards was not helping the officers intentionally, including that Ms. Edwards was not using her legs “on purpose.” *Exhibit 6, Barnett Body Camera, 34:47*. Barnett stated, “Now you’re starting to piss me off! Get up!” *Exhibit 6, Barnett Body Camera, 34:04*. Barnett also called a superior officer by his first name when he said, “Hold on Brandon.” *Exhibit 6, Barnett body camera, 40:10 and 54:00*. Barnett commented that, “Sergeant’s patience is worse than mine.”

Sergeant Wardlaw stated that he would not deal with Ms. Edwards’ “mess,” and wanted “coffee and some oatmeal.”

11. Wardlaw stated, “This is all an act.” *Exhibit 3-Clip 2, Wardlaw Body Camera, 1:23*. Wardlaw stated, “Listen to me, this is the Lord’s Day, all I want to do is get me some coffee and some oatmeal. I’m not gonna deal with your mess this morning” (1:35), “We’ve already spent too much time on you” (1:43), “stuff you in the floor” (3:00), “you’re not gonna pass out” (2:21), “go on and get in there and pass out and we’ll be done with it” (2:24) and “I’m tired of this dead weight crap” (1:50). *Exhibit 3-Clip 2, Wardlaw Body Camera*. Wardlaw noted that it was cold outside. Wardlaw raised his voice when addressing Ms. Edwards. Wardlaw stated, “You are about to get some more charges . . . don’t touch me . . . this is ridiculous.” Wardlaw also asked Ms. Edwards, “Have you ever been to the Knox County Jail? Them dudes don’t play. You may not want to pull this act.”

Dugan acknowledged Ms. Edwards’ statements about her inability to breathe and noted that, if Ms. Edwards died in his custody, [liability] would be on him.

12. After Transportation Officer Dugan arrived, and the attempts to load Ms. Edwards continued to fail, Dugan stated that, “**she’s saying she can’t breathe, if she falls over either way, and she can’t breathe, she dies, that’s on me, I’m not willing to take that risk.**” *Exhibit 8, Dugan Body Camera, 57:00 (emphasis added)*. Later that day, after Ms. Edwards was found unconscious, Dugan added, “And that’s why I was afraid just to throw her in my [wagon]. I’m telling you, I’d have been in the IA [Internal Affairs] for the next two months with that one.” *Exhibit 8, Dugan Body Camera, 156:57*. Wardlaw responded to Dugan’s original statement about Ms. Edwards’ inability to breathe and stated, “This is all an act.” *Exhibit 3-Clip 2, Wardlaw Body Camera, 1:24, 1:26 and 6:48*. Dugan agreed and stated, “We all know that shit.” *Exhibit 3-Clip 2, Wardlaw Body Camera, 6:50*. Although Dugan agreed with Wardlaw that Ms. Edwards was “acting,” Dugan did not allow Ms. Edwards to be loaded into his transportation wagon’s rear compartment⁸ because “**if she [Ms. Edwards] falls over either way and she can’t breathe . . . If she dies, that’s on me. I’m not willing to take that risk.**” There, he opined that the responsibility for that would fall on him, Dugan, as the person transporting Ms. Edwards. *Exhibit 3, Clip 2, 5:58 (emphasis added)*. Dugan stated, “The reason I wanted to put her in the side is because it’s a smaller compartment. Once you’re in there, you really can’t go anywhere, okay, you can’t fall over, especially a woman

⁸ During Dugan’s interview, he stated that he was comfortable with Ms. Edwards in his wagon’s side compartment. At the scene after Ms. Edwards was found unconscious, Dugan stated that he did not want her in his wagon at all. *Exhibit 10, p. 39, l. 16-27, Exhibit 8, Dugan body camera, 147:03*.

of her size, she really couldn't slide around or fall around." *Exhibit 10, Dugan Interview, p. 39, l. 16-18*. Thus, Dugan repeatedly expressed concern about Ms. Edwards' positioning during transport. Dugan was the person most knowledgeable on scene about transporting prisoners because that was his assigned job.

Ms. Edwards predicted that she was going to have a stroke and die.

13. While Ms. Edwards was outside, partly on the ground and partly on a portion of the transportation wagon, she stated, "**I am gonna die**" (*Exhibit 3-Clip 2, 11:31*) and "**I am gonna have a stroke.**" *Exhibit 3-Clip 2, Wardlaw Body Camera, 14:02 (emphasis added)*. Ultimately, as predicted by Ms. Edwards, she; in fact, did die, and the medical examiner concluded that Ms. Edwards did, in fact, have a "stroke." *Exhibit 13, Autopsy*. As the person on the scene with the best ability to explain how she felt physically and describe her current physical health, Ms. Edwards' prediction went unaddressed repeatedly.

While in his police vehicle, Wardlaw's attention was not on Ms. Edwards or the scene at times.

14. Wardlaw went to his police vehicle to complete paperwork at some time during the encounter with Ms. Edwards. Wardlaw stated, "I'm really trying to get the Watson⁹ figured out." *Exhibit 11, Wardlaw Interview, p. 13, l. 7*. Wardlaw's attention, at times, was on the computer system and completing paperwork, and not on the scene. *Exhibit 11, p. 49, l. 43-44, p. 13, l. 3-11*.
15. Distasio, who was transporting an unrelated prisoner, arrived at FSRMC. He was informed that he would transport Ms. Edwards due to his cruiser's height. The total time between Ms. Edwards being removed from the wheelchair to being loaded into Distasio's cruiser was approximately 25 minutes. *Exhibit 6, Barnett Body Camera, 29:36-54:07*. Eventually, the officers loaded Ms. Edwards into the cruiser. *Exhibit 6, Barnett Body Camera, 54:07*.
16. **No officer seat belted Ms. Edwards** into the police cruiser seat. *Exhibit 18, Distasio Backseat Camera*.
17. Once in Distasio's cruiser, Ms. Edwards tried to pull herself upright repeatedly. *Exhibit 18, Distasio Backseat Camera, 17:27, 17:33, 17:52, 18:05, 18:10, 18:35, 18:57, 19:02, 19:13, 21:29, 21:50*.
18. Once in Distasio's cruiser, Ms. Edwards stated, "sit me up, now sit me up." *Exhibit 7, 34:15*. Distasio responded, "I ain't picking you up." *Exhibit 7, Distasio Body Camera, 34:24*. Distasio made this pronouncement before Ms. Edwards' incontinence.
19. Barnett stated "shut up" to someone on scene. During Barnett's interview, he stated that he told Distasio to shut up. *Exhibit 9, Barnett Interview, p. 60, l. 30-31*. Another logical inference from the context of the interaction is that Barnett told Dugan to shut up after Dugan told the officers that Ms. Edwards needed to be sat up in the back of Distasio's cruiser.

⁹Watson is a computer database where KPD reports are generated.

Exhibit 8, Dugan Body Camera, 110:00. Another plausible conclusion from the context of this encounter is that Barnett said shut up to Ms. Edwards, who was asking to be sat up. When Ms. Edwards called out, "Doctor! Doctor!" (*Exhibit 3-Clip 2, Wardlaw Body Camera, 13:00*), Barnett said, "I'm offended she didn't call me doctor when I walked up." Barnett stated that "my uniform is freakin' nasty." *Exhibit 6, Barnett Body Camera, 50:24.*

20. Ms. Edward stated "I gotta tinkle." *Exhibit 3-Clip 2, Wardlaw Body Camera, 4:48.* Wardlaw stated, "I asked did she have to tinkle and she never said anything else." *Exhibit 11, Wardlaw Interview, p. 72, l. 36.* No officer provided Ms. Edwards with any way to relieve herself. Ms. Edwards became incontinent and urinated in Distasio's cruiser. Barnett found the urine in Distasio's cruiser humorous. Barnett stated, "And the laughing . . . I shouldn't have laughed." *Exhibit 9, Barnett Interview, p. 98, l. 25-26.* About laughing at the incontinence, Barnett stated further that, "I would like to have that back." *Exhibit 9, Barnett Interview, p. 98, l. 33-34.*

Again, Dugan expressed concern about Ms. Edwards' "not breathing."

21. Once Ms. Edwards was loaded into the cruiser, but before he left the scene, Distasio sprayed Wardlaw with Lysol after their handling of Ms. Edwards. *Exhibit 7, Distasio Body Camera, 35:02.* During this time, the officers were laughing. *Exhibit 7, Distasio Body Camera, 34:40.* **Meanwhile, Ms. Edwards was in Distasio's cruiser and Dugan attempted to sit her up and stated, "I just worry about her falling and not breathing."** *Exhibit 7, Distasio Body Camera, 37:00 (emphasis added).*

Distasio stated that he would not help Ms. Edwards further once he discovered that she had urinated in his cruiser.

22. Then, Distasio saw that Ms. Edwards urinated in the cruiser and stated to Ms. Edwards, "You peed in my car . . . I'm sorry . . . you're not getting any help." *Exhibit 7, Distasio Body Camera, 37:35.* Distasio elaborated on his response to Ms. Edwards' incontinence and stated, "She peed in my car. I ain't doing that. I'm done helping her." *Exhibit 12, Distasio Interview, p. 36, l. 16.* He added, this about Ms. Edwards' incontinence weeks after he transported Ms. Edwards and she died, "it's just disrespectful and rude" and "I was upset about the situation." *Exhibit 12, Distasio Interview, p. 36, l. 42, p.46, l. 34.*

23. While in the cruiser, Ms. Edwards stated, "They're gonna kill me" and "I can't breathe." *Exhibit 18, Distasio Backseat Camera, 17:40, 18:03 (respectively).* At least three times, Ms. Edwards stated, "help me."

Officers made no attempts to get a medical opinion regarding Ms. Edwards' pleas.

24. At no time did any of the officers on scene, who are not medical doctors, take Ms. Edwards into FSRMC or ask a FSRMC personnel to come out, seek an independent medical consult from another source like EMS (like Distasio later did during the traffic stop explained below), or otherwise address Ms. Edwards' pleas related to her health with medical professionals.

25. Distasio began driving Ms. Edwards to the Roger D. Wilson Detention Facility. During the transport, Distasio knocked on the divider window between the front seat where he was

seated and the backseat where Ms. Edwards was seated. *Exhibit 18, Distasio Backseat Camera, 26:20, 27:46*. Distasio made the following statements to Ms. Edwards, "Stop it. I ain't dealing with you today," "Grow up. [You are] fine, [but] acting like a child" and commented on Ms. Edwards' moaning and groaning and told her to lift herself up. Ms. Edwards uttered, "you'll be this way one d..." *Exhibit 18, Distasio backseat camera, 21:40*. At least approximately nine times, Distasio attempted to get some communication from Ms. Edwards, and Ms. Edwards' responses kept getting weaker and more incoherent. *Exhibit 18, Distasio Backseat Camera, 24:00-29:30*. As the trip continued on, Ms. Edwards stopped responding to Distasio and her body slumped out of the backseat camera purview. *Exhibit 18, Distasio Backseat Camera, 28:55-29:40*.

Distasio conducted a traffic stop while transporting Ms. Edwards and discovered her unconscious.

26. Distasio then conducted a traffic stop of an unrelated vehicle while Ms. Edwards remained in his backseat and in his sole care, custody, and control. *Exhibit 18, Distasio Backseat Camera, 31:20*. During that traffic stop, Distasio opened his cruiser's rear passenger door to check on Ms. Edwards. During his interview, **Distasio stated that even if he had not conducted the traffic stop, he would have stopped to check on Ms. Edwards.** *Exhibit 12, Distasio Interview, p. 85-87*. He found that Ms. Edwards was "very pale" and "unconscious." *Exhibit 12, Distasio Interview, p.71*. He pulled Ms. Edwards by her hair. *Exhibit 18, Distasio Backseat camera, 34:42*. He stated that "I don't know if she's faking it or what, but she's not answering me." *Exhibit 18, Distasio Backseat Camera, 34:45*. Distasio gave Ms. Edwards a sternum rub and called for help. An ambulance arrived at the traffic stop scene and Distasio asked about using Narcan on Ms. Edwards. Then, the ambulance personnel encountered Ms. Edwards and stated, "She doesn't need Narcan, she needs fucking chest compressions." *Exhibit 18, Distasio Backseat Camera, 38:47*.
27. After being found unconscious, Ms. Edwards was transported back to FSRMC where she originally encountered the KPD officers.¹⁰ The next day, Ms. Edwards died at that hospital. *Exhibit 13, Autopsy*.
28. Ms. Edwards' autopsy shows a cause of death of "ischemic stroke due to atherosclerotic cardiovascular disease. Other conditions that significantly contributed to death are hypertensive cardiovascular disease, morbid obesity, chronic alcohol abuse, acute bronchitis, and chronic obstructive pulmonary disease. The manner of death is natural." *Exhibit 13, Autopsy*. Knox County District Attorney Charme Allen determined that criminal charges would not be lodged against the involved officers. *Exhibit 14, DA Letter*.
29. Retired-KPD Captain Steve Still requested an IAU investigation of Ms. Edwards' in-custody death. *Exhibit 15, IAU Complaint*. The investigation involved a review of Wardlaw, Barnett,

¹⁰ In addition to the officers mentioned previously, Officer Richard Rautio was present at FSRMC during Ms. Edwards' readmission. There is not a preponderance of the evidence that he substantively engaged with Ms. Edwards. To the contrary, it is reasonably believed that she was unconscious during the period of readmission.

Distasio, and Dugan's conduct during their interactions with Ms. Edwards to determine whether any KPD policies were violated.

The interviews with the involved officers revealed that they believed the security guards' opinions about Ms. Edwards, and viewed Ms. Edwards as passive aggressive, passively resisting arrest, and faking medical issues.

30. During his encounter with Ms. Edwards or during his interview, Wardlaw stated the following in sum. Ms. Edwards was faking any medical distress. *Exhibit 3-Clip 2, Wardlaw Body Camera, 1:24, 1:26 and 6:48.* He had to "arrest her." *Exhibit 11, Wardlaw Interview, p. 14, l. 30.* He concluded that Ms. Edwards was "passive aggressive," and that she was not going to "fight" the officers, but was doing "everything in [her] power to make sure this [was] difficult." *Exhibit 11, Wardlaw Interview, p. 14, l. 37-39.* Wardlaw testified that a guard had watched a video that showed Ms. Edwards walking and Wardlaw relied on that information. *Exhibit 11, Wardlaw Interview, p. 80, l. 42-44.* He wanted to be done with Ms. Edwards and get the situation "over and done with" as quickly as possible. *Exhibit 11, Wardlaw Interview, p. 12, l. 10-11.* Wardlaw concluded that he had to believe the security guards because they were the complainants and that the "hospital won't even let you see their videos . . . so they're not going to tell you anything if you go ask them dealing with a patient." *Exhibit 11, Wardlaw Interview, p. 19, l. 20-22.* Wardlaw did not confirm what the guards told him about Ms. Edwards, and did not verify his belief that FSRMC would refuse to provide information about Ms. Edwards if he inquired. In his experience, people fake medical distress often. *Exhibit 11, Wardlaw Interview, p. 52, l. 40.* He concluded that Ms. Edwards had been seen by two doctors. *Exhibit 11, Wardlaw Interview, p. 19, l. 44.* He did not investigate Ms. Edwards' allegations that she had been beat up. *Exhibit 11, Wardlaw Interview, p. 42, l. 15.* Although it was cold outside, Wardlaw did not move Ms. Edwards from the ground to the wheelchair because he didn't know if she would cooperate with the chair. *Exhibit 11, Wardlaw Interview, p. 62, l. 29-33.* Wardlaw did not address the security guards' behavior because they did not work for him and he concluded that they did not have to listen to him. *Exhibit 11, Wardlaw Interview, p. 63, l. 15.* He did acknowledge that he could have told the security guards that their help was not needed, and noted that the security guards were the "least of [his] worries." *Exhibit 11, p. 64, l. 13.* Regarding the KPD officer's language and behavior toward Ms. Edwards, Wardlaw concluded that he did not intervene because no one was being hurt and that he could address that conduct at a later date. *Exhibit 11, Wardlaw Interview, p. 77, l. 30, 42-43.* Regarding why Ms. Edwards had not been seat belted, Wardlaw described her as uncooperative and, therefore, she did not have to be seat belted pursuant to policy. *Exhibit 11, Wardlaw Interview, p. 99, l. 40-41.* In hindsight, Wardlaw noted that he could have used a better choice of words in his encounter with Ms. Edwards. *Exhibit 11, Wardlaw Interview, p. 14, l. 34-35.*
31. During his encounter with Ms. Edwards or during his interview, Barnett stated the following in sum. Ms. Edwards had been cleared by two hospitals. *Exhibit 9, Barnett Interview, p. 15, l. 17-19.* Ms. Edwards was "almost passive resistant" during wagon loading attempts and Barnett believed it was because she did not want to go to jail. *Exhibit 9, Barnett Interview, p. 28, l. 13-14, and p. 40, l. 12-13.* He acknowledged that there were no efforts to place Ms. Edwards in a wheelchair from the ground. *Exhibit 9, Barnett Interview, p. 105, l. 19-26.* He

concluded that a security guard used vulgarities that should not have been used, particularly the “f word.” *Exhibit 9, p. 42, l. 35-39*. Barnett noted that Wardlaw was the supervisor on the scene and Barnett would not attempt to override his supervisor’s decisions. *Exhibit 9, p. 45, l. 2-11*. He reflected on the words used by the officers and stated that “There are some things all of us shouldn’t have said in [this video]. That’s definitely there.” *Exhibit 9, Barnett Interview, p. 45, l. 23-25*. He stated that there were a few words he would like to have back, but that his words were not “unprofessional.” *Exhibit 9, Barnett Interview, p. 96, l. 39*. He referenced his offering Ms. Edwards a cigarette and stated that it was intended to calm her down. *Exhibit 9, Barnett Interview, p. 97, l. 9-11*. But, he agreed that his cigarette comment and other comments may be categorized as “not being professional” by the public. *Exhibit 9, Barnett Interview, p. 98, l. 40*. He believed that he complied with the treatment of prisoners’ policy. *Exhibit 9, p. 99, l. 40-43*. Regarding the KPD officers’ laughter on scene, Barnett stated that he was not laughing at Ms. Edward’s expense specifically as it related to her incontinence. *Exhibit 9, Barnett Interview, p. 79, l. 28-29*. He ultimately concluded that Dugan properly performed his duties. *Exhibit 9, Barnett Interview, p. 105, l. 43*. He concluded further that other than some words and laughing, he, Distasio, and Wardlaw “all did our jobs fine.” *Exhibit 9, Barnett Interview, p. 106, l. 11, 35*.

32. During his encounter with Ms. Edwards or during his interview, Distasio stated the following in sum. Distasio noted that Wardlaw was in charge. Distasio found no indicators that Ms. Edwards could not breathe, that if a person is talking that means “you’re breathing,” and he is not a medical professional. *Exhibit 12, Distasio Interview, p. 42, l. 38*. Wardlaw approved of how officers positioned Ms. Edwards in the cruiser. *Exhibit 12, Distasio Interview, p. 10, l. 10-13*. Distasio contemplated pulling over to check on Ms. Edwards even if he had not conducted the traffic stop. While transporting Ms. Edwards, Distasio “constantly, periodically” checked on Ms. Edwards. *Exhibit 12, Distasio Interview, p. 10, l. 21*. But, Distasio stated that he thought Ms. Edwards’ backseat positioning was fine, as nothing was blocking her airways and she was not on her stomach or side. *Exhibit 12, Distasio Interview, p. 18, l. 17, 23-24*. Distasio told Ms. Edwards that he would not help pick her up and, looking back at his comment, he regrets making the statement because he now knows Ms. Edwards needed medical attention. *Exhibit 12, Distasio Interview, p. 23, l. 23-27*. Distasio discussed repositioning Ms. Edwards’ physical body in the cruiser, but failed to follow through. *Exhibit 12, Distasio Interview, p. 33-36*. Distasio offered to help Ms. Edwards up, but never followed through. *Exhibit 12, Distasio Interview, p. 39-40*. He noted that Dugan was the only officer who attempted to sit Ms. Edwards up. *Exhibit 12, Distasio Interview, p. 39, l. 37-39*. Regarding his transport of Ms. Edwards, he categorized checking on prisoners in the backseat as something done situationally. *Exhibit 12, Distasio Interview, p. 45, l. 23-26*. He noted that his comments to “sit up” directed at Ms. Edwards during transport were conversation only. *Exhibit 12, p. 48, l. 28*. There were one or two times when he turned around that she was not awake when he looked at her. *Exhibit 12, p. 55, l. 39-43*. The last time there was a verbal or visible indication of Ms. Edwards moving around or conscious was during the transport. *Exhibit 12, p. 63, Exhibit 7, 43:56*. When Distasio found Ms. Edwards unconscious, he called an ambulance and did sternum rubs. Distasio stated that a police officer is required to act in all uncomfortable situations. *Exhibit 12, Distasio interview, p. 78, 80*. Distasio admitted that prisoners, such as Ms. Edwards, should not be left unattended like Ms. Edwards was.

33. During his encounter with Ms. Edwards or during his interview, Dugan stated the following in sum. He was uncomfortable with FSRMC security guards and that “they are security guards and they show it.” *Exhibit 10, p. 23, l. 12*. He noted that it was security guards who told the officers that Ms. Edwards could walk. *Exhibit 10, p. 26, l. 16*. He reported that the security guards were not nice to Ms. Edwards. *Exhibit 10, p. 27, l. 15*. He believed that if an arrestee came into police custody from a hospital, the person should be medically cleared to leave. *Exhibit 10, p. 26, l. 30*. He reported that the scene belonged to the police officers, his job was prisoner transport, and he did not have authority over police officers. *Exhibit 10, p. 28-29*. He noted that it was the officers’ call to have Ms. Edwards taken back to a hospital. *Exhibit 10, p. 43, l. 27*. Dugan noted that he is not a medical professional and thought Ms. Edwards would be accepted at intake. *Exhibit 10, p. 35 l.42, p. 38 l. 16*. He shared that he has experienced people faking medical issues once or twice a week. *Exhibit 10, p. 40, ln. 35*. Dugan was concerned that if Ms. Edwards fell over in the transportation wagon she would not be able to breathe. He noted that it would better for her to sit upright for her breathing. *Exhibit 10, p. 53, l.18*. Dugan also expressed that he was worried about her falling in the cruiser. *Exhibit 10*. Dugan’s attorney asked Dugan if he was concerned about Ms. Edwards suffering from positional asphyxia, and Dugan replied, “yes.” *Exhibit 10, p.78-79*. “My issue was she’s not holding herself up. If she falls over, I can’t help her up. And at that point, she can’t breathe. She’ll die.” *Exhibit 10, p. 48, l. 20-21*. The officers “weren’t happy” about Ms. Edwards’ urinating in the cruiser and “were done. They were just gonna go.” *Exhibit 10, p. 61, l. 6*. Dugan also commented that “they weren’t that nice to her,” they were ready to get rid of her so they weren’t real pleasant with her.” *Exhibit 10, p. 27, l. 15-17*. Dugan suggested to Distasio to use sternum rubs because Distasio communicated to Dugan that Ms. Edwards was non-responsive. If Dugan had been told that Ms. Edwards was unconscious and not breathing, then “of course, then you’d probably start CPR” and that “I figured if he needed assistance, he’d let me know.” *Exhibit 10, p. 70-2*.
34. Throughout the course of Wardlaw, Barnett, Distasio, and Dugan’s interviews, not one of them expressly stated any sympathy regarding Ms. Edwards’ death. To the contrary, Wardlaw stated, “I’m getting death threats. And nobody from this department has done anything to protect me or my family . . . there’s a whole website that some White supremacy group has got me all over.” *Exhibit 11, Wardlaw Interview, p. 125, l. 32-35*.
35. In addition to the involved officers, KPD professional staff members were interviewed, including Communications Manager Scott Erland, Principal Secretary Juliana LeClair, Switchboard Operator Marilyn Anderson, and Administrative Specialist Emily White (collectively, “professional staff”). Those interviews consistently revealed that members of the public contacted KPD through various forms expressing concern about Ms. Edwards’ treatment by the involved officers, which was negative feedback that brought the department into disrepute. *Exhibit 16, Professional Staff Interviews*. Specifically, Ms. Anderson stated she fielded approximately 150 phone calls. *Exhibit 16, p. 4, l.15*. Ms. LeClair stated that there were about 213 emails sent between February 23 and March 29, 2023, with an average of 25 calls a day during that time. *Exhibit 16, p. 3*. Ms. White fielded approximately 200 calls and voicemails. *Exhibit 16, p. 3*. Mr. Erland stated that the department received well into the

hundreds of messages, and that the incident negatively impacted the department's reputation and departmental morale, at least temporarily. *Exhibit 16, p. 3-4.*

The officers' position descriptions.

36. A review of personnel records indicate that a KPD sergeant, such as Wardlaw's position as of the date of his encounter with Ms. Edwards, has duties and responsibilities¹¹ that include:

Specific – Responsibilities shall include, but not be limited to, the following:

1. **Shall be responsible for the directing of the activities of those persons placed in his/her charge** (regardless of civilian or sworn status).
2. Shall be responsible for successful completion of task(s) assigned to him/her and personnel under his/her command.
3. **Shall be responsible for ensuring adherence of all departmental policies, rules, and regulations by subordinate personnel regardless of specific assignment, to include specific responsibilities relative to disciplinary procedures enumerated in the General Orders and SOP.**
5. Shall be responsible for evaluating personnel assigned to him/her for supervision and maintaining accurate documentation to support evaluation levels.
6. **Shall be responsible for carrying out the intent of the overall mission of the department as the task(s) relates to his/her assignment.**
8. Shall be responsible for being knowledgeable of laws, statutes, ordinances, and crime and operational data.

Exhibit 2, The City of Knoxville Civil Service Merit Board General Government Classification Specification, Sergeant, 1/19 (emphasis added).

37. A review of personnel records revealed that a KPD police officer III, such as Barnett's¹² position as of the date of his encounter with Ms. Edwards, has duties and responsibilities that include:

Supervised by Sergeant.

Duties and Responsibilities:

¹¹ Wardlaw received sergeant training and some of the relevant training documents are in Exhibit 2.

¹² Barnett is superior to Distasio in the positional hierarchy and, therefore, someone Distasio, as a subordinate, junior officer, could look to for instruction and direction.

6. Responsible for responding to situations involving in-progress or recent criminal activity to restore or maintain order and to coordinate the gathering of information and evidence.

7. **Responsible for conducting in-depth investigations** of criminal incidents or traffic accidents, either independently or as part of a coordinated effort.

8. Responsible for gathering and reporting intelligence information of possible use in solving or preventing crimes.

9. Responsible for resolving conflicts of a potentially violent nature involving a wide variety of participants including family members, neighbors, landlords and tenants, merchants and customers and rival youth groups.

10. Responsible for providing appropriate counseling, referral, and follow-up services necessary to resolve domestic and civil disputes and to assist in preventing criminal activity.

Exhibit 2, The City of Knoxville Civil Service Merit Board General Government Classification Specification, Police Officer III, 2/14 (emphasis added).

38. A review of personnel records indicate that a KPD police officer, such as Distasio's position as of the date of his encounter with Ms. Edwards, has duties and responsibilities that include:

Supervised by Sergeant.

Duties and Responsibilities:

9. Responsible for providing rescue and first aid services to victims of accidents, disasters, and other emergency situations.

Exhibit 2, The City of Knoxville Civil Service Merit Board General Government Classification Specification, Police Officer, 1/09.

PROPOSED FINDINGS

39. The proposed findings are based on the IAU investigation that included a review of the attached exhibits.¹³

40. Based on the IAU investigation, there is a preponderance of the evidence that supports the proposed findings that one or more of the following sections of the Code of Conduct and policies: unbecoming conduct (Code of Conduct 1.19), neglect of duty (Code of Conduct 1.02), unsatisfactory performance (Code of Conduct 1.21), treatment of prisoners (Code of Conduct 4.04), courtesy (Code of Conduct 3.00), prisoner transportation (seat belt) (General

¹³ FSRMC did not voluntarily provide video footage or their internal investigation file to KPD IAU. *Exhibit 17, Letters to FSRMC*. Tennessee Bureau of Investigation criminal investigation material was reviewed, but not considered as part of the proposed findings.

Order 2.3), and unconscious persons (Code of Conduct 4.10) were violated by Wardlaw, Distasio, and Barnett:

a. **Wardlaw:**

1. Unbecoming Conduct,
2. Neglect of Duty,
3. Unsatisfactory Performance,
4. Treatment of Prisoners,
5. Courtesy, and
6. Prisoner Transportation (seat belt).

b. **Barnett:**

1. Unbecoming Conduct,
2. Unsatisfactory Performance,
3. Treatment of Prisoners, and
4. Courtesy.

c. **Distasio:**

1. Unbecoming Conduct,
2. Neglect of Duty,
3. Unsatisfactory Performance,
4. Treatment of Prisoners,
5. Courtesy,
6. Prisoner Transportation (seat belt), and
7. Unconscious Persons.

41. To the contrary, based on the IAU investigation, there is not a preponderance of the evidence that Dugan violated any KPD Code of Conduct or policies.

a. **Dugan: All proposed findings: Exonerated (Third Degree).**

- b. In analyzing Dugan's conduct in relation to KPD Code of Conduct and policies, Dugan made statements on scene about Ms. Edwards' inability to breathe, her impending death if she were positioned in a certain manner, and an acknowledgment that if Ms. Edwards were to die in his care, custody, and control, he would be responsible. Of all of the actions and, lack thereof, during the officers' encounter with Ms. Edwards, Officer Dugan made the most right decisions, particularly in light of his being the most junior KPD employee on scene. Balancing the totality of the circumstances, there is not a preponderance of the evidence that Dugan's conduct violated KPD Code of Conduct and policy and, therefore, Officer Dugan's conduct is not further explained.

VIOLATIONS EXPLAINED¹⁴

42. Code of Conduct 1.19: Unbecoming Conduct

Degree of Severity: A¹⁵

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming an employee shall include that which brings the department into disrepute or reflects discredit upon the employee as a member of the department, or that which impairs the operation or efficiency of the department or employee.

a. Wardlaw: Sustained (First Degree):

Wardlaw's conduct was such that there is a preponderance of the evidence that it brought the department and himself into disrepute. *Exhibits 3, 11.*

1. Wardlaw's statements, including "coffee and oatmeal," "I'm not gonna deal with your mess this morning," "We've already spent too much time on you," and "I'm tired of this dead weight crap" while engaging a subject, and subsequent arrestee, brought the department into disrepute, reflects discredit on him and the department, and impaired the efficiency of KPD. Evidence of this is the public response. *Exhibits 19, 20.*
2. Wardlaw did not conduct any independent investigation to address the different accounts he heard regarding Ms. Edwards' ability to respond to requests to leave FSRMC on her own. *Exhibits 3, 11.*
3. Wardlaw failed to supervise the subordinate officers on the scene.
4. Wardlaw failed to control the arrest scene by allowing non-KPD employees, specifically the security guards, to curse at, mock, laugh at, and touch Edwards. Further, he allowed guards to search Ms. Edwards' property.
5. Wardlaw failed to meet KPD's professional standards. KPD requires that officers protect and serve the public. KPD and all of its' employees must live its' values: knowledge of the community's diverse needs, establishing and maintaining a professional image of law enforcement in all contacts, and

¹⁴ In light of the totality of the circumstances from Wardlaw's first encounter with Ms. Edwards at FSRMC through Ms. Edwards' return to FSRMC once unconscious, there is a preponderance of the evidence for the proposed policy violations. Therefore, the section labeled, "Violations Explained," is a non-exhaustive summary to establish a relevant factual basis for the proposed Code of Conduct and policy violations. It is not intended to represent the sum total of factual support for each violation. For the full factual support for each violation, all of the exhibits in their totality are intended to be weighed collectively. Elements of one proposed violation should be considered reincorporated into the other proposed violations.

¹⁵ Code of Conduct and Policy violations degree severity are explained in Exhibit 23.

committed to serving the needs of the public in a compassionate and impartial fashion. *Exhibit 21*. Wardlaw neither established a professional image, nor serve the needs of Ms. Edwards. He set a poor example for subordinates on scene.

b. **Barnett: Sustained (First Degree):**

Barnett's conduct was such that there is a preponderance of the evidence that it brought the department and himself into disrepute. *Exhibits 6, 9*.

1. Barnett laughed as Ms. Edwards as she laid on the cold ground. The security guards made various statements to or about Ms. Edwards on scene including addressing her with profanity e.g., "we sit you up like 10 fucking times" and recommended that the officers "leave her on the sidewalk, put a white blanket over her, and everyone could go on with their day." Barnett responded, "She's already got a warrant on her now" without addressing the security guards' asinine comments. *Exhibit 6, 49:00-12*.
2. Barnett offered Ms. Edwards a cigarette. *Exhibit 6, 47:16*. Although Barnett stated that he offered the cigarette out of sincerity rather than mockery, the offer of a cigarette to a person with labored breathing who is repeatedly stating things to the effect of "I cannot breathe" and asking for an inhaler did not reflect favorably on KPD, brought KPD into disrepute, and reflected discredit upon Barnett. Based upon Barnett's previous statements about cigarettes, there is a preponderance of the evidence that Barnett sarcastically offered the cigarette to Edwards. His comment was absurd under the circumstances.
3. Although Dugan attempted to explain how to best transport Ms. Edwards, Barnett told someone, presumably Dugan, to "shut up." While Barnett testified that he was speaking to someone other than Dugan on the scene, it appears that he was speaking to Dugan, the person on scene with the most experience and information about transporting prisoners. *Exhibit 9, Barnett Interview, p. 60, l. 30-31, Exhibit 7, Distasio Body Camera, 34:12*.
4. Barnett commented on how dirty his clothing was after handling Ms. Edwards. This was reasonably believed to have been said within earshot of Ms. Edwards, and was disrespectful in this context. *Exhibit 6, 46:06*.
5. As Ms. Edwards was on the cold ground, her buttocks became exposed. Barnett stated something to the effect of "Holy Jesus" and "I should have stayed on the other side of the river" upon seeing Edwards. Despite Ms. Edwards' vulnerable position, Barnett made these inappropriate comments. *Exhibit 6, 46:00. Exhibit 3, 10:50*.

c. **Distasio: Sustained (First Degree):**

Distasio's conduct was such that there is a preponderance of the evidence that it brought the department and himself into disrepute. *Exhibits 7, 12.*

1. Distasio made multiple comments that are reasonably held as bringing the department and himself into disrepute. As an example, "I ain't picking you up" as Ms. Edwards pleaded for help. *Exhibit 7, 34:26.* Distasio made multiple references to sitting Edwards' upright, but failed to do so. "I ain't dealing with you today." *Exhibit 7, 38:10.* You can breathe, in and out." *Exhibit 7, 42:50.* Distasio stated that he wasn't sure why he said "I ain't picking you up." *Exhibit 12, p. 20, l. 20.* He later stated that he thought she was being passive aggressive. He regretted making the statement. *Exhibit 12, p. 23, l. 23-27.* "You peed in my car . . . I'm sorry . . . you ain't getting no help." *Exhibit 7, Distasio Body Camera, 37:35.*

43. **Code of Conduct: 1.02 Neglect of Duty**

Degree of Severity: A

Improper performance of or failure to perform a required police duty will be deemed neglect of duty. Employees shall not engage in any activities or personal business which could cause them to neglect or be inattentive to duty.

As applied to Wardlaw, Barnett, and Distasio, common decency requires that law enforcement not ignore prisoners in distress. Ignoring such amounts to nothing less than neglect of duty and a lack of reverence to the sanctity of life and a dereliction of duty, and these officers' choice to ignore Ms. Edwards did just that. Public confidence in the police department is vital to a safe city. Here, community outrage ensued over Ms. Edwards' treatment, not necessarily because of her death. She died of natural causes. *Exhibit 13.* The outrage ensued because the video of Ms. Edwards' time in police custody immediately before her death showed law enforcement failing to display professionalism and dedication, two of KPD's three values, demanded by their own police department, the city of Knoxville, and the community at whose pleasure the officers serve. *Exhibit 12, Distasio Interview, p. 78.*

a. **Wardlaw: Sustained (First Degree):**

A preponderance of the evidence establishes that Wardlaw neglected his duties and responsibilities through improper performance of and failure to perform supervisory oversight of subordinates. He failed to control access to the prisoner, and allowed non-KPD officers to touch Ms. Edwards' physical body, search Ms. Edwards' personal belongings, and speak to and about Ms. Edwards in her presence in a way that was dehumanizing after she alleged that she had been harmed recently. *Exhibit 3, Wardlaw Body Camera, 1:23.* Wardlaw was asked, "Why not tell (a guard) to shut up and get the hell back in that garage?" He responded, "...so now you're wanting me to start making things worse now? At first it was you're saying things too rude to her, now you wanting me to be rude to this guy." *Exhibit 11, p. 63.* He failed to ensure that Ms. Edwards was seat belted. He failed to try and place Edwards back into her chair after she was on the cold ground. *Exhibit 11, p. 62.* Wardlaw

stated multiple times that he wasn't paying attention to the guards, the very people actively on scene and verbally/physically interacting with Edwards. *Exhibit 11, p. 64*. Further, Ms. Edwards made an assault allegation against hospital staff. *Exhibit 3, Wardlaw Body Camera, 1:20*. He failed to adequately investigate this based on Ms. Edwards' allegation.

b. Distasio: Sustained (First Degree):

A preponderance of the evidence establishes that Distasio neglected his duties and responsibilities through improper performance of and failure to properly transport Ms. Edwards. Distasio knocked on the cruiser's divider to check on Ms. Edwards. After receiving no response, he did not immediately address her situation to determine what, if anything, she needed. Rather, he conducted a traffic stop on an unrelated vehicle, which required that he focus on that with little attention on Ms. Edwards despite the concern he expressed while driving Ms. Edwards before the traffic stop. Distasio did call for help and gave sternum rubs, but that action proved inadequate for a prisoner who was not breathing and who had stated she was going to have a stroke with labored breathing. Ms. Edwards asked Distasio for help and he failed to give it. Distasio saw that Ms. Edwards urinated in the cruiser and stated to Ms. Edwards, "You peed in my car . . . I'm sorry . . . you're not getting any help." *Exhibit 7, Distasio Body Camera, 37:35*. Based on a preponderance of the evidence, Distasio had concerns about Edwards' condition in the back seat of his cruiser, but failed to adequately respond. Further, Distasio is trained in situational de-escalation, but failed to take any steps to deescalate the situation with Ms. Edwards although he viewed her as being less than pleasant. *Exhibit 12, p. 99, l. 11-21*.

44. Code of Conduct: Unsatisfactory Performance

Degree of Severity: B

Employees shall maintain a sufficient competency to perform properly their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain the highest standards of efficiency and effectiveness in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position, the failure to take appropriate action on the occasion of a crime, disorder, or other conditions deserving police attention; or absence without leave. In addition to other indications of unsatisfactory performance, repeated infractions of rules, regulations, directives, or orders of the department shall indicate unsatisfactory performance.

a. Wardlaw: Sustained (First Degree):

A preponderance of the evidence establishes that Wardlaw failed to satisfactorily perform the duties and responsibilities for a KPD Police Sergeant. *Exhibit 2*. He failed to take appropriate action on the occasion of conditions deserving police attention. As the first KPD police officer to encounter Ms. Edwards and as the supervisor of KPD officers on the scene, he failed to control the officers' and security guards' mockery of Ms. Edwards. It is unsatisfactory by the letter and spirit of KPD's mission and the impact his performance has had on the department as demonstrated through public outreach that has been overwhelming negative. *Exhibits 19, 20*. He failed to demonstrate a reverence for life. Wardlaw failed to take appropriate action that Ms. Edwards, a prisoner in KPD custody, was treated in a respectful and humane manner. Once Ms. Edwards was seized by constitutional standards

and taken into KPD custody, Ms. Edwards could not address her own needs and was at the mercy of the officers who seized her.

b. Barnett: Sustained (First Degree):

A preponderance of the evidence establishes that Barnett failed to satisfactorily perform the duties and responsibilities for a KPD Police Officer Class III. He failed to take appropriate action on the occasion of conditions deserving police attention. Having had Ms. Edwards request her inhaler repeatedly, Barnett offered a cigarette. The offer was asinine under the circumstances, and the totality of the circumstances lead a reasonable person to view the statement as unsatisfactory conduct by a police officer in Barnett's situation and that it amounts to mockery. It is unsatisfactory for Barnett to raise his voice at Ms. Edwards under the circumstances presented, and to use the verbiage he chose to use. Barnett failed to take appropriate action that Ms. Edwards, a prisoner in KPD custody, was treated in a respectful and humane manner. Barnett allowed non-KPD civilians to search Edwards' property, after she was in KPD custody. Barnett acknowledged chain of custody issues related to this. *Exhibit 9, p. 19-20, 26.*

c. Distasio: Sustained (First Degree):

There is a preponderance of the evidence that Distasio did not perform satisfactorily during his encounter with Ms. Edwards. During transport, Distasio knocked on the car divider. When he failed to get an adequate reply from Ms. Edwards, he kept driving, conducted a traffic stop, and did not immediately assess his prisoner's condition. To hold her head up, Distasio pulled Ms. Edwards' hair when he found her unconscious in his cruiser. *Exhibit 7, 51:45.* This proposed finding is particularly apt because on or about April 3, 2023, the date of Distasio's interview, Distasio opined on how he treated Ms. Edwards and stated "I didn't treat her disrespectful. I don't think I was . . . I don't think I was rude to her. I mean could I probably have said nicer things, but I wasn't rude to her." *Exhibit 12, p. 100, l. 20-21.* Distasio jeopardized officer safety by leaving the driver of the car he pulled over with Dugan, an unarmed civilian employee, and leaving his own prisoner who was unresponsive, Ms. Edwards, unsupervised. *Exhibit 12, p. 68, l. 39-40.*

45. Code of Conduct: 4.04 Treatment of Prisoners

Degree of Severity: B

Prisoners and suspects shall be treated in a fair and humane manner. They shall not be humiliated, ridiculed, taunted, or embarrassed. Members shall make written reports to their commanding officer of any form of resistance. Copies of these reports shall be forwarded to the Chief of Police and the Internal Affairs Unit.

a. Wardlaw: Sustained (First Degree):

Wardlaw was the scene supervisor. Wardlaw allowed Ms. Edwards to be seated and at times laid on the ground in the winter season. Wardlaw made no effort to provide Ms. Edwards with outer clothing to protect against the weather, and failed to put her jacket on her. Wardlaw did not address KPD officers or security guards, including distancing the security guards from his crime scene, who laughed at Ms. Edwards. Wardlaw allowed Ms. Edwards to be transported in Distasio's cruiser without being seat belted. Wardlaw chose to take the very actions in relation to Ms. Edwards' positioning that Dugan advised were dangerous. *Exhibit 10, p. 74-75.* Wardlaw failed to protect Ms.

Edwards from the humiliation, ridicule, taunting, and embarrassment that the officers and security guards subjected her to.

b. Barnett: Sustained (First Degree):

A preponderance of the evidence shows that Barnett did not treat Ms. Edwards in a humane manner and humiliated, ridiculed, taunted, and embarrassed Ms. Edwards. Barnett was sarcastic in his commentary towards Ms. Edwards. Barnett stated that Ms. Edwards needed an inhaler despite having cigarettes. *Exhibit 6, Barnett Body Camera, 32:09 and 33:47*. Based on Barnett's previous comments about cigarettes, he sarcastically offered Ms. Edwards a cigarette despite Ms. Edwards' requests for her inhaler and labored breathing. He laughed at Ms. Edwards. There is a preponderance of the evidence that Barnett's conduct was humiliating, ridiculing, taunting, and embarrassing to Ms. Edwards.

c. Distasio: Sustained (First Degree):

Distasio was discourteous and failed to maintain an even temperament with Ms. Edwards. Distasio stated that he would not pick Ms. Edwards up despite her being in his custody. *Exhibit 7, Distasio Body Camera, 34:22*. Further, upon the discovery of Ms. Edwards' incontinence, Distasio stated that he was not going to help Ms. Edwards. *Exhibit 7, Distasio Body Camera, 37:35*. Distasio pulled Ms. Edwards' hair when he discovered her unconscious in the back of his cruiser. There is a preponderance of the evidence that Distasio's conduct was humiliating, ridiculing, taunting, and embarrassing to Ms. Edwards.

46. Code of Conduct: 3.00 Courtesy

Degree of Severity: C

A. All employees of the department shall be courteous and orderly in their dealings with the public and other employees of the department. Employees shall be attentive to and take suitable action on reports and complaints by a private person except when circumstances make it necessary for them to report the matter or refer the complainant to a more suitable police office or other agency. Employees shall fulfill proper requests for information or assistance, or they shall aid the person in otherwise obtaining the requested information or assistance.

B. Employees shall be quiet, orderly, and attentive and shall exercise patience and discretion in the performance of their duties. They shall avoid an abrupt manner in answering questions. They shall maintain an even temper, in spite of provocation, remaining cool and collected at all times. Employees shall refrain from harsh, violent, coarse, profane, sarcastic, or insolent language. When requested to do so they shall give their name and badge number, or identification number, in a respectful, courteous manner.

a. Wardlaw: Sustained (First Degree):

There is a preponderance of the evidence that Wardlaw was discourteous during his encounter with Ms. Edwards, failed to take suitable action on her complaints, and failed to keep an even temper based on the facts above. Wardlaw failed to be courteous and orderly in his dealings with Ms. Edwards, failed to be attentive, and failed to aid Ms. Edwards in obtaining information or assistance she requested. Wardlaw, during his initial encounter with Ms. Edwards, was abrupt and impatient with Ms. Edwards. *Exhibit 3, Wardlaw Body Camera, 4:50 and 5:00*. He took no investigative

actions to resolve the divergent accounts of fact he heard from Ms. Edwards and the security guards. Wardlaw did not maintain an even temperament while at the transportation wagon. *Exhibit 3-Second clip, Wardlaw Body Camera, 01:38*. When Wardlaw was asked why he would interrupt Ms. Edwards while she attempted to explain her situation. He stated that he was just trying to get the thing over and done and leave. *Exhibit 11, Wardlaw Interview, p. 12, l. 16-17*. Ms. Edward stated "I gotta tinkle." *Exhibit 3-Clip 2, Wardlaw Body Camera, 4:48*. Wardlaw stated, "I asked did she have to tinkle and she never said anything else." *Exhibit 11, Wardlaw Interview, p. 72, l. 36*. Wardlaw never addressed this need and did not provide Ms. Edwards with any way to relieve herself. Ms. Edwards became incontinent to which the officers laughed and became frustrated to the point that Distasio stated that he would no longer help Ms. Edwards as a result.

b. Barnett: Sustained (First Degree):

There is a preponderance of the evidence that Barnett was discourteous during his encounter with Ms. Edwards, failed to take suitable action on her complaints, and failed to keep an even temper based on the facts above. Barnett was sarcastic in his commentary towards Ms. Edwards. He stated that Ms. Edwards needed an inhaler despite having cigarettes. *Exhibit 6, Barnett Body Camera, 32:09 and 33:46*. Yet, he offered her a cigarette. It is reasonably believed, based on Barnett's previous comments about cigarettes, that he sarcastically offered Ms. Edwards' a cigarette despite Ms. Edwards' multiple statements of medical distress. *Exhibit 6, Barnett Body Camera, 31:27, 31:40 and 33:47*. He laughed on scene, which, in the totality of the circumstances, was discourteous in light of Ms. Edwards' vulnerable position on the sidewalk.

c. Distasio: Sustained (First Degree):

There is a preponderance of the evidence that Distasio was discourteous during his encounter with Ms. Edwards, failed to take suitable action on her complaints, and failed to keep an even temper based on the facts above. Distasio was discourteous and failed to maintain an even temperament with Ms. Edwards for the reasons stated in the fact section and shown on the body camera videos. Distasio stated that he would not assist in picking Ms. Edwards up despite her being in his custody. *Exhibit 7, Distasio Body Camera, 34:22*. Further, upon the discovery of the urine, Distasio stated that he was not going to help Ms. Edwards. *Exhibit 7, Distasio Body Camera, 37:35*. Distasio admitted that he found Ms. Edwards' incontinence disrespectful and that he was not going to help after that. Distasio's other comments included, "Stop it. I ain't dealing with you today," "Grow up. [You are] fine, [but] acting like a child," all discourteous statements under the totality of the circumstances.

47. General Order 2.3: Prisoner Transportation (54) (seat belt prisoner)

Degree of Severity: C

When a seat belt is available in the transporting vehicle, all prisoners shall be seat belted unless extenuating circumstance are present, such as an actively resistant prisoner who poses a danger to officer while trying to fasten the seat belt. In these circumstances, a transportation wagon shall be utilized, if one is available.

Distasio's police cruiser was equipped with seat belts at the time of Ms. Edwards' FSRMC encounter and transport.

a. Wardlaw: Sustained (First Degree):

There is a preponderance of the evidence that Wardlaw failed to seat belt Ms. Edwards and she was not actively resistant and did not pose a danger to him. Wardlaw was the highest-ranking officer on the scene and, therefore, the supervising authority over Distasio, who was a lower-ranked police officer; and ultimately responsible to ensure compliance with KPD Code of Conduct and policies by those entrusted to his charge. Wardlaw was present when Ms. Edwards was loaded into Distasio's cruiser and when Distasio transported Ms. Edwards from FSRMC. Wardlaw did not enforce the seat belt policy.

Further, Dugan made multiple statements and took action in relation to the need to upright and buckle Ms. Edwards. Dugan is a transportation officer who is reasonably held as having high expertise and knowledge related to prisoner transport and safety. Dugan further took steps to properly position Ms. Edwards. Upon the discovery of the urine, Wardlaw allowed Ms. Edwards to be improperly positioned in the cruiser. Despite the presence of urine and the fact that officers reasonably believed Ms. Edwards to be uncooperative and passively resistant, the need to buckle and upright Ms. Edwards was still present. The urine could have been defeated, as Wardlaw had sanitary wipes in his possession at the time of its discovery. There are dangers to passengers being unbuckled, including the risk of injury from wrecks.

b. Distasio: Sustained (First Degree):

There is a preponderance of the evidence that Distasio failed to seat belt Ms. Edwards and she was not actively resistant and did not pose a danger to him. Of the officers on the scene who effectuated Ms. Edwards' arrest, Distasio is the only officer who transported Ms. Edwards. While Ms. Edwards was in Distasio's cruiser, Ms. Edwards was not seat belted. Officers described Ms. Edwards as passively resistant, not as actively resistant. There is no credible evidence that Ms. Edwards presented a danger to officers if any had attempted to seat belt her. While Wardlaw ultimately allowed Distasio to not seat belt Edwards, Distasio made multiple statements of assisting Edwards (once she was in his backseat), but failed to follow through. A preponderance of the evidence establishes that Distasio violated the seat belt policy.

48. Code of Conduct 4.10: Unconscious Persons

Degree of Severity: B

4.10 Unconscious Persons – Procedure – When an individual is unconscious from any cause, the member in charge shall immediately endeavor to restore consciousness to the subject. Medical assistance will be requested to transport to the appropriate hospital.

a. Distasio: Sustained (First Degree):

There is a preponderance of the evidence that Distasio failed to immediately act to restore consciousness to Ms. Edwards. During transport after leaving FSRMC, Distasio made comments to Ms. Edwards inquiring about her wellbeing, and knocked on the car divider and asked if Ms. Edwards needed help to which he received no response. *Exhibit 18, Distasio Backseat Camera, 27:48*. Thereafter, Ms. Edwards slumped out of view. *Exhibit 18, Distasio Backseat Camera, 28:55-29:40*. In response, Distasio conducted a traffic stop of an unrelated vehicle while Ms. Edwards laid non-responsive in his backseat. *Exhibit 18, Distasio Backseat Camera, 31:20*. Distasio testified that,

even if he had not conducted the traffic stop, he would have stopped the cruiser to check on Ms. Edwards.

Additionally, Dugan testified that he would have assisted Distasio if Distasio had asked him to. Distasio failed to seek such assistance. Dugan's transportation wagon was equipped with an AED. *Exhibit 10, Dugan's Interview, p. 14, l. 9.*

Unrelated Investigative Proposed Finding:

In addition to the proposed findings noted above, the investigation revealed the following Code of Conduct violation by Officer Hayden Marshall, which is unrelated to the treatment of Ms. Edwards.

49. Code of Conduct 1.25: Use of Weapons

Degree of severity: B

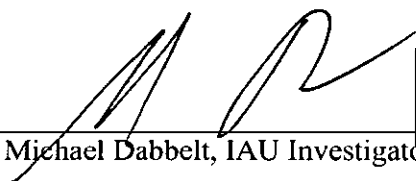

Officers shall not use or handle weapons in a careless or imprudent manner. Officers are authorized to use firearms or weapons in a manner that is consistent with departmental policy and directives.

a. Officer Marshall: (Seventh Degree):

Officer Marshall was observed handling his Taser in an unsafe, unprofessional manner. *Exhibit 25, Marshall Body Camera, 09:43 and 11:20, Exhibit 6, Barnett Body Camera, 14:25 and 16:03.*

Conclusion

50. A preponderance of the evidence establishes the proposed findings of Code of Conduct and policy violations noted herein. Wardlaw, Barnett, and Distasio's words, actions, and inactions could be considered individually to violate KPD Code of Conduct and policy; but especially so when considered in the aggregate, when those words, actions, and inactions together—over a span of a maximum of two hours, which constituted the final hours of Ms. Edwards' conscious life—were an utter disregard for the respect of human life. Ms. Edwards was entrusted to the custody, care, and control of the KPD, specifically these officers and, once seized, her life literally rested in their hands, dependent on their judgment and decision-making, which is both a pain and privilege of being a law enforcement officer, whose oath dictates protecting and serving those most vulnerable among us. Their words, actions, and inactions amounted to a clear disregard for the very sanctity of the human life that law enforcement is bound by oath to protect and serve. Their conduct showed a clear disregard for Ms. Edwards' humanity and dignity in her final hours of conscious life prior to her death. The conduct violates both the letter and spirit of KPD Code of Conduct and policy and its very mission and values—summed up as nothing more, but also nothing less than—protect and serve. Ms. Edwards, a senior female, was neither protected nor served. Her treatment by Wardlaw, Barnett, and Distasio was inapposite KPD's core values, and a preponderance of the evidence supports the proposed findings.
51. The investigative findings are referred to KPD Chief of Police, Paul Noel, to determine whether these proposed findings will be adopted pursuant to Code of Conduct, Part VI¹⁶ and, if so, to schedule further proceedings in this matter.


Sergeant Michael Dabbelt, IAU Investigator 

¹⁶ Code of Conduct, Part VI provides, "The following are guidelines. The Chief of Police, during a review, may deem other actions more appropriate, and may adjust discipline accordingly." *Exhibit 23.*

EXHIBITS

- Exhibit 1. 911 Call Transcript and Audio Recording
- Exhibit 2. Civil Service Merit Board Classifications
- Exhibit 3. Wardlaw Body Camera
- Exhibit 4. FSRMC Internal Investigation Media Coverage
- Exhibit 5. Lisa Edwards' Arrest Report
- Exhibit 6. Barnett Body Camera
- Exhibit 7. Distasio Body Camera
- Exhibit 8. Dugan Body Camera
- Exhibit 9. Barnett Interview
- Exhibit 10. Dugan Interview
- Exhibit 11. Wardlaw Interview
- Exhibit 12. Distasio Interview
- Exhibit 13. Autopsy
- Exhibit 14. DA Allen's Letter
- Exhibit 15. IAU Complaint
- Exhibit 16. Professional Staff Interviews
- Exhibit 17. FSRMC Letters
- Exhibit 18. Distasio Backseat Camera
- Exhibit 19. News Coverage
- Exhibit 20. Public Outreach
- Exhibit 21. Mission Statement and Philosophy
- Exhibit 22. Photographs and Printouts
- Exhibit 23. Policy and Code of Conduct Violations, Degree Severity
- Exhibit 24. Sergeant Training Records
- Exhibit 25. Marshall Body Camera
- Exhibit 26. Marshall Interview
- Exhibit 27. Rautio Interview
- Exhibit 28. Request to Interview Security Guards Receipt of Service