



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

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

**Media Release: December 12, 2018**

**COMMONWEALTH'S ATTORNEY TOM WINE  
ADDRESSES APRIL 15, 2018 LMDC INMATE ASSAULT**

"On April 15, 2018, an inmate of Louisville Metro Department of Corrections (LMDC) was assaulted by an officer employed by LMDC. A body cam video clearly shows Officer David Schwartz punching Terry Whitehead who was handcuffed. Once apprised of the situation, Director Mark Bolton terminated the employment of Schwartz and Officer Devan Edwards who observed the assault but apparently did not make the appropriate report.

A decision was made, without consulting me or the Office of Commonwealth's Attorney, to present this matter to the FBI for investigation and potential federal charges to be prosecuted by the United States Attorney's Office of the Western District of Kentucky. While I am not critical of that decision, it is important to understand that to date, the investigation of this behavior has not been provided to the Jefferson County Office of the Commonwealth's Attorney for either review or prosecution of violations of Kentucky criminal laws.

The first time I or my staff saw the video in question, was the broadcast on local television stations last week. I condemn the conduct of the LMDC officers involved and find it reprehensible. If the investigation of this matter is presented to our office for evaluation of criminal charges, an expedited review will be completed and any violations of Kentucky criminal law will be aggressively prosecuted

The public should be aware that the Department of Justice (DOJ) has a labyrinth of procedural rules that slow the process of an investigation such as this one. DOJ rules limit public announcements by the US Attorney as well as the FBI. DOJ should allow some latitude for comment by local federal authorities. The citizens of Jefferson County deserve greater transparency.

It continues to be the goal of the Jefferson County Office of Commonwealth's Attorney and the US Attorney's Office for the Western District of Kentucky to cooperate to obtain the maximum punishment for those who violate our laws, including those charged with enforcing our laws."

**\*\*\*end\*\*\***