

Cookeville Police Department

Citizen Complaint

#2003-01-01-1714-33

January 1, 2003

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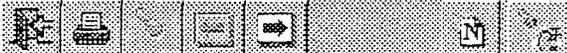
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COPY

Calls For Service Inquiry

File Options Help Associated Records



Call For Service

Screen: 1

Report#: ALAD

Report#	Event Number	Date Reported:	01	01	2003	
How Recvd:	P	Activity Code:	00043	INVESTIGATION	Report#:	000200300133
Name Type:		Per/Bus Name:	THP, UNK			
Street:		JEFFERSON AV/INTERSTATE I	Apt/Suite:			
City:		Zip:		Phone:		
Soc Sec No:		Complainant Address:				
Patrol:	05E	SOUTH EAST	Grid:	05E8	SOUTHEAST 8	
Unit Asgn:	P682	PTL ERIC HALL	Person Asgn:	00252	HALL, ERIC L	
Add Units:	3	Shift:	2	1400-2200		

Accept Screen

OK

COPY

Calls For Service Inquiry

File Options Help Associated Records



Calls For Service Last Screen: 2

Exception: ACAD

Comp Taker: **00236** CHESEBRO, ANGELA Dispatcher: **00236** CHESEBRO, ANGELA

Received: **17** **14** **55** Dispatched: **17** **15** **37** Arrived: **17** **16** **15** Cleared: **17** **51** **42**

Response: **8** PAST OCCURRED Disposition: **02** REPORT TAKEN

Comments:

Remark 1: **REQ UNIT E/B FOR FELONY STOP**

Remark 2:

2nd: **00272** MCWHORTHER, 3rd: **00228** REVIS, DONNA 4th: **00109** LAMB, BRUCE

Reportable: Tag: Tag St: Make: Model:

Year: **0** Color: Race: Sex: No Occupants: **0**

Prob Cause: Business Name:

Accept Screen

COOKEVILLE POLICE DEPARTMENT

10 East Broad Street
P.O. Box 849
Cookeville, Tennessee 38503-0849

Phone: (931) 528-2125
Fax: (931) 528-9368
ORI: TN0110100

COPY

INCIDENT REPORT

VER 3.2

CPD 300

ORIGINAL ATTACHMENT SUPPLEMENT

ENTRY BY: *[Signature]*

GENERAL INFORMATION

ORIGINAL COMPLAINT NUMBER 200301011714-33	REPORT DATE 01/01/03	ALCOHOL? N/A	DRUGS? N/A	DOMESTIC? N/A
OFFENSE TYPE Information	OFFENSE CODE 99998	TIBRS CODE 90-Z	ZONE SE-8	
OCCUR EARLIEST DATE/TIME 01/01/03 1714hrs	OCCUR LATEST DATE/TIME	LOCATION NAME I-40 East Bound		
LOCATION ADDRESS #	DIRECTION	STREET I-40	INTERSECTION South Jefferson	
REPORTING OFFICER Eric Hall	BADGE # 252	Unit # 682	SUPERVISOR <i>[Signature]</i>	DATE 1/2/03
DETECTIVE <i>[Signature]</i>	BADGE #	Unit #	ASSIGNED BY <i>[Signature]</i>	DATE 1-3
CASE STATUS 13	1. Active - No Suspects 2. Active - Suspects 3. Active - Missing Person 4. Juv. Arrest - Prop Not Rec 5. Juv. Arrest - Prop Part Bec 6. Juv. Arrest - Prop Rec 7. Juv. Arrest - No Prop Invol 8. Adult Arrest - Prop Not Rec 9. Adult Arrest - Prop Part Rec 10. Adult Arrest - Prop Rec		11. Adult Arrest - No Prop Invol 12. Inactive 13. Closed/No Arrest/Prop Not Rec 14. Closed/No Arrest/Prop Part Rec 15. Closed/No Arrest/Prop Rec 16. Closed/No Arrest/No Prop Invol 17. Exceptionally Cleared - Adult 18. Exceptionally Cleared - Juv. 19. Unfounded / Non - Criminal 20. Closed - Person Found	
Was detective called? Y N X Unit? _____ Can suspect be described? Y N X Can suspect be located? Y N X Was affidavit signed? Y N X Is suspect related to victim? Y N X Was evidence collected? Y N X Can suspect's vehicle be ID'd? Y N X Was an arrest made? Y N X Is stolen property traceable? Y N X Can suspect be named? Y N X Is victim willing to prosecute? Y N X Can suspect be ID'd Y N X				

METHODS OF OPERATION

TYPE OF PREMISES: Z	A Unknown F. Convenience K Grocery P. Public Bldg. U. DepL Store	B. Apt / Condo. G. Drug / Medical L Industrial Q. School V. Trailer Park	C. Duplex / Townhouse H. Entertain / Recreation M. Uquor Store R. Lot / Park / Yard W. Housing Project	D. Motel / Hotel I. Financial Institutions N. Construction Site S. Street/ Alley X Restaurant/Bar	E Single Dwelling J. Gas Station O. Office T. Open Space Z Other
POINT OF ENTRY: AA	AA. Does Not Apply GG. Garage	BB. Adjoining Bldg H. Door	C. Front I. Wall	D. Rear J. Window	E. Side W. Unknown FF. Roof / Floor ZZ- Other
METHOD OF ENTRY: A	A. Does Not Apply G. Knife M. Pry Bar S. Saw/ Drill	B. Attempt Only H. Brick/ Bock N. Removed Hinges T. Punch	C. Left Unlocked I. Broke Glass O. Wrench / Pliers U. Bum / Torch	D. Key / Slip / Card J. Hammer / Mallet P. Bolt Cutter X Explosives	E. Hid in Bldg. K Hatchet /Axe O. Remv. Screen / A-C R. Y.Unknown 7- Other
METHOD OF DEPARTURE: A	A. Does Not Apply Y. Unknown	B. Walk / Run Z- Other	C. Motor Vehicle	D. Motorcycle	E Bicycle

PROPERTY INFORMATION

PROPERTY TYPE					UCR PROPERTY CLASS				
K-Safekeeping D-Damaged Z - Seized Vehicle L-Lost E-Evidence F - Found S - Stolen R - Recovered For Other Agency I - Information					A Currency, Notes, Etc. B Jewelry, Precious Metals C. Clothing, Furs D. Vehicles E Office Equip. F. TV / Radio / Stereo / Camera / Etc. G. Guns H. Household Goods I Consumables J. Livestock K Miscellaneous L. Drugs M. Alcohol				
TYPE	CLASS	QTY.	BRAND	MODEL #	SERIAL #	SIZE, CALIBER, COLOR, DESC	\$ VALUE	NCIC # / ENTRY BY:	
E	K	1				VHS Tape	\$10		
TAG #	STATE	TYPE	YEAR	VIN	NCIC #				
YEAR	MAKE	MODEL	STYLE	COLOR	NCIC ENTRY DATE		NCIC ENTRY BY:		
ADDITIONAL VEHICLE DESCRIPTION									

COMPLAINANT	NAME THP				ADDRESS					
	CITY				STATE	Zip	HOME PHONE #			
	EMPLOYER			WORK PHONE #	DATE OF BIRTH	JUVENILE?	RACE	SEX		
VICTIM #	NAME				ADDRESS					
	CITY				STATE	ZIP	HOME PHONE #			
	EMPLOYER			WORK PHONE #	DATE OF BIRTH	JUVENILE?	RACE	SEX		
	IS THIS A MISSING PERSON?			N.C.I.C. #			ENTRY BY:			
WITNESS #	NAME				ADDRESS					
	CITY				STATE	ZIP	HOME PHONE #			
	EMPLOYER			WORK PHONE #	DATE OF BIRTH	JUVENILE?	RACE	SEX		
ARRESTEE #	LAST NAME N/A		FIRST NAME		MIDDLE		ALIASES / NICKNAMES			
	HOME ADDRESS			CITY		STATE	ZIP	HOME PHONE #		
	OCCUPATION		SOCIAL SECURITY #		EMPLOYER ADDRESS			WORK PHONE #		
	DATE OF BIRTH	AGE	SEX	RACE	PLACE OF BIRTH		HEIGHT	WEIGHT	HAIR	EYES
	LEFT/ RIGHT HAND		BUILD		PHYSICAL CONDITION		SKJN TONE		FACIAL HAIR	GLASSES
	HANDICAPS		BIRTH MARKS		SCARS		TATTOOS			
	DRIVERS LICENSE #			TYPE	DL STATE	VIN		VEHICLE TAG #		
	TAG STATE	TAG TYPE	TAG YEAR		VEH YEAR	MAKE	MODEL	STYLE	COLOR	
	LOCATION OF ARREST						ARREST DATE		TIME	
	DISPOSITION OF VEHICLE						FORCE USED ?		OFFICER ASSAULTED?	
	CODE	CHARGES			COURT DATE	COURT	CITATION #	DISPOSITION		
<p>On 01/01/03 at approximately 1714hrs I was dispatched to I-40 and South Jefferson Ave on the east bound side to assist THP with a felony stop that they were going to initiate at that location. While enroute to the call I asked dispatch to find out what felony had been committed and to get a discription of the suspect vehicle. Dispatch was not able to give me the information before I arrived on the scene. Once I was on scene I noticed that THP was already in the process of getting the suspects out of the vehicle. I retrieved my issued shotgun and took a position beside Officer McWhorter who was taking cover on the right side of the lead THP patrol car. Officer McWhorter and I covered the suspects with long guns while the state troopers did the hands-on. Suddenly, a dog, I believe to be a pit-bull, jumped from the suspect vehicle, singled me out from the other officers and charged toward me growling in an aggressive manner. I yelled at the dog to "Get Back" but it attempted to circle me to attack, so I felt that I had no other option but to protect myself. I fired once at the dog instantly putting it down. VHS tape from in vehicle camera placed into evidence. End of report.</p>										

COOKEVILLE POLICE DEPARTMENT

10 East Broad Street
P.O. Box 849
Cookeville, Tennessee 38503-0849

Phone: (931) 526-2125
Fax: (931) 528-9368
URI: TN071000

COPY

INCIDENT REPORT

ORIGINAL ATTACHMENT SUPPLEMENT ENTR *[Signature]*

COMPLAINT NUMBER 20030101171433	CAD NUMBER 200300133	REPORT DATE 01/01/03	ALCOHOL NO	DRUGS NO	DOMESTIC NO
------------------------------------	-------------------------	-------------------------	---------------	-------------	----------------

OFFENSE TYPE *DATA ENTRY ONLY*	OFFENSE CODE 99998	TIBRS CODE 0	ZONE SE8
--------------------------------	--------------------	--------------	----------

EARLEST DATE TI 01/01/03 1714	LATEST DATE TIM 01/01/03 1714	LOCATION NAME	INTERSTATE
----------------------------------	----------------------------------	---------------	------------

LOC. ADDR #	DIR	STREET I40	INTERSECTION 287
-------------	-----	------------	------------------

REPORTING OFFICER <i>Ptl. McWhorter</i>	BADGE # 272	UNIT # 632	SUPERVISOR <i>[Signature]</i>	BADGE # 154	UNIT 620	DATE 1/2/03
--	----------------	---------------	----------------------------------	----------------	-------------	----------------

DETECTIVE <i>[Signature]</i>	BADGE	UNIT #	ASSIGNED BY <i>[Signature]</i>	BADGE	UNIT	DATE 1-3
---------------------------------	-------	--------	-----------------------------------	-------	------	-------------

CASE STATUS 13	1. Active - No Suspects	11. Adult Arrest-No Prop Invol	Det Called Unit #
	2. Active - Suspects	12. Inactive	
	3. Active - Missing Person	13. Closed/No Arrest/Prop Not Rec	
	4. Juv. Arrest - Prop Not Rec	14. Closed/No Arrest/Prop Part Rec	
	5. Juv. Arrest - Prop Part Rec	15. Closed/No Arrest/Prop Rec	
	6. Juv. Arrest - Prop Rec	16. Closed/No Arrest/No Prop Invol	
	7. Juv. Arrest - No Prop Invol	17. Exceptionally Cleared - Adult	
	8. Adult Arrest - Prop Not Rec	18. Exceptionally Cleared - Juv	
	9. Adult Arrest - Prop Part Rec	19. Unfounded/Non - Criminal	
	10. Adult Arrest - Prop Rec	20. Closed - Person Found	
		21. Active - Runaway	

RECEIVED
COOKEVILLE
POLICE DEPT.
JAN 3 7 12 AM '02

TYPE OF PREMISES S	A. Unknown	B. Apt. / Condo	C. Duplex / Townhouse	D. Motel / Hotel	E. Single Dwelling
	F. Convenience	G. Drug / Medical	H. Entertain / Recreation	I. Financial Institutions	J. Gas Station
	K. Grocery	L. Industrial	M. Liquor Store	N. Construction Site	O. Office
	P. Public Bldg.	Q. School	R. Lot / Park / Yard	S. Street / Alley	T. Open Space
	U. Dept Store	V. Trailer Park	W. Housing Project	X. Restaurant /Bar	Z. Other
				Y. Vehicle	

POINT OF ENTRY AA	AA. Does Not Apply	BB. Adjoining Bldg	C. Front	D. Rear	E. Side	FF. Roof/Floor
	GG. Garage	H. Door	I. Wall	J. Window	YY. Unknown	ZZ. Other

METHOD OF ENTRY A	A. Does Not Apply	B. Attempt Only	C. Left Unlocked	D. Key/Slip/Card	E. Hid in Bldg.	F. Bodily Force
	G. Knife	H. Brick/Rock	I. Broke Glass	J. Hammer/Mallet	K. Hatchet/Axe	L. Screwdriver
	M. Pry Bar	N. Remv. Hinges	O. Wrench/Pliers	P. Bolt Cutter	Q. Remv. Screen/A-C	R. Glass Cutter
	S. Saw/Drill	T. Punch	U. Burn/Torch	X. Explosives	Y. Unknown	Z. Other

METHOD OF DEPARTURE A	A. Does Not Apply	B. Walk / Run	C. Motor Vehicle	D. Motorcycle	E. Bicycle
	Y. Unknown	Z. Other			

PROPERTY TYPE	UCR PROPERTY CLASS
K-Safekeeping D-Damaged Z-Seized Vehicle L-Lost E-Evidence F-Found S-Stolen R-Recovered for Other Agency I-Information	A. Currency,Notes,ETC E. Office Equip. I. Consummables B. Jewelry,Precious Metals F.TV/Radio/Stereo/Cameras J. Livestock K. Miscellaneous C. Clothing, Furs G. Guns L. Drugs D. Vehicles H. Household Goods M. Alcohol

TYPE	CLASS	QTY	BRAND	MODEL	SERIAL	SIZE CALIBER COLOR DESC	VALUE	NCIC ENTRY BY:

TAG #	ST	TYPE	YEAR	VIN:	NCIC #
YEAR	MAKE	MODEL	STYLE	COLOR	NCICDT
ADDITIONAL VEH DESC					NCIC BY

COMPLAINANT NAME				ADDRESS				
CITY			ST	ZIP	HOME PHONE			
EMPLOYER		WORK PHONE		DOB	JUV?	RACE	SEX	
VICTIM NAME				ADDRESS				
CITY			ST	ZIP	HOME PHONE			
EMPLOYER		WORK PHONE		DOB	JUV?	RACE	SEX	
MISSING PERSON?	NCIC #		ENTRY BY					
WITNESS NAME				ADDRESS				
CITY			ST	ZIP	HOME PHONE			
EMPLOYER		WORK PHONE		DOB	JUV?	RACE	SEX	
ARRESTEE LNAME		FNAME		MI	ALIASES/NICKNAME			
ADDRESS			CITY		ST	ZIP	PHONE(H)	
OCCUPATION		SSN	EMP ADDR			PHONE(W)		
DOB	AGE	SEX	RACE	POB	HT	WT	HAIR	EYES
L/R HAND	BUILD	PHYSICAL COND.		SKIN		FACIAL HAIR		GL?
HANDICAPS		BIRTH MARKS		SCARS		TATTOOS		
DRIVERS LIC #		TYPE	DL ST	VIN		VEH TAG		
TAG ST	TAG TYPE	TAG YR	VEH YR	MK	MODEL	ST	CLR	
LOC OF ARREST				ARREST DATE		TIME		
DISPOSITION OF VEHICLE				FORCE USED?		OFFICER ASSAULTED?		
CODE	CHARGES	COURT DT	COURT	CITATION #	DISPOSITION			

NARRATIVE

ON 01/01/03 AT 1714 I RESPONDED TO I-40 IN ORDER TO ASSIST THP ON A FELONY STOP. ON ARRIVAL I APPROACHED FROM THE PASSENGER SIDE OF TROOPER BUSH'S UNIT. I TOOK A POSITION OF COVER AT THE PASSENGER DOOR JAM OF HIS UNIT. I PROVIDED COVER FROM THE LOCATION. THE SUSPECTS WERE REMOVED FROM THE VEHICLE. AS A TROOPER WENT FORWARD TO CUFF THE SUSPECTS, OFFICER HALL AND I FLANKED TO THE RIGHT TO MAINTAIN COVER ON THE SUSPECTS AND THE UNCLEARED VEHICLE. I PASSED A TROOPER MY HANDCUFFS. HE CUFFED THE LAST SUBJECT. A DOG EXITED THE VEHICLE AND FOCUSED ON OFFICER HALL. THE DOG RAPIDLY APPROACHED OFFICER HALL. OFFICER HALL STEPPED BACKWARDS AND YELLED GET BACK. THE DOG CONTINUED TOWARD THE OFFICER AS HE STEPPED BACK. OFFICER HALL SHOT THE DOG AT THE POINT THAT THE DOG WOULD NOT RETREAT. WHEN I SAW THAT THE THREAT HAD BEEN STOPPED I RESUMED COVER ON THE VEHICLE. I ASSISTED A TROOPER IN CLEARING THE VEHICLE. I ASSISTED UNTIL I WAS REALEASED BY THE SENIOR TROOPER.

COPY

Cookeville Police Department
Citizen or Employee Complaint Form

General Info	Complaint # <u>200200138</u>	Date <u>1-1-03</u>
	Shift Supervisor <u>Sgt. John Dilbeck</u>	

Complainant	Name <u>PAMELA SMOAK</u>	Sex <u>F</u>	Race <u>W</u>
	Address <u>649 PEARSONS FALLS Rd Saluda NC 28773</u>		
	Phone (Home) <u>828-749-4823</u>	(Work) <u>828-749-4823</u>	

Complaint Information	Complaint Against: (circle one) Department <u>Employee</u>
	Employee Name <u>ERIC HALL</u>
	Date/Time of Occurrence <u>1-1-03 / 1714 HRS.</u>
	Statement of Complaint <u>My complaint is that my dog was <u>Murdered</u> by Cookeville Police Department on a <u>_____</u> false stop by THP. We were handcuffed & we asked for the officer next to the car to please shut the door so our dog wouldn't come out & he refused.</u>
	(Complainant Signature) <u>Pamela Smoak</u> (Date) <u>1-1-03</u>

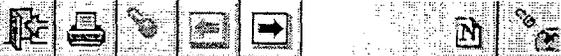
Routing	Assigned as: (Circle one) <u>Internal Affairs</u> Administrative
	<u>Fred C. White Jr.</u> (Signature of Operations Commander) <u>Jan 1, 2003</u> (Date)

Investigator	<u>Internal Affairs</u>	<u>Administrative</u>
	Assigned to: <u>[Signature]</u>	Assigned to: _____
	<u>[Signature]</u> (Signature of Chief of Police) <u>1-3-03</u> (Date)	_____ (Signature of Operations Cmdr) (Date)

COPY

CISCO System Inquires

File Options Help Associated Records



Calls For Service

Screen: 1

Ent From: ACAD

*Agency: 0

*Event Number: 000200300138

Date Reported: 01 01 2003

How Recvd: P

Activity Code: 00130 CITIZENS COMPLAINT ON

Report#: 000200300138

Name Type:

Per/Bus Name: STROUT, PAMELA

Street: 10 E BROAD ST

Apt/Suite:

City:

Zip:

Phone:

Soc Sec No:

Complainant Address:

Patrol: 000 CENTRAL

Grid: 06U4 COOKEVILLE POLICE DEPARTMENT

Unit Asgn: S651 SGT JOHN BILBREY

Person Asgn: 00185 BILBREY, JOHN J

Add Units: 0 Shift: 2 1400-2200

COPY

CISCO System Inquires

File Options Help Associated Records



Calls For Service Last-Screen: 2

Ent From: ACAD

Comp Taker: GRAHAM, LAURIE Dispatcher: GRAHAM, LAURIE

Received: Dispatched: Arrived: Cleared:

Response: Disposition: REPORT TAKEN

Comments:

Remark 1:

Remark 2:

2nd: 3rd: 4th:

Reportable: Tag: Tag St: Make: Model:

Year: Color: Race: Sex: No Occupants:

CITY OF
COOKEVILLE

TENNESSEE
"Where good things happen"

CHIEF R. E. TERRY
Cookeville Police Department
10 East Broad Street
Cookeville, Tennessee 38501
Phone (931) 526-2125 Fax (931) 528-9368

01/02/03

1435 H/s

COPY

Memorandum

To: Officer Eric Hall

From: Deputy Chief Fred White *FW*
Operations Commander

Date: January 2, 2003

Re: Internal Affairs Investigation

This memo is to inform you that you are now the subject of an internal affairs investigation regarding a charge of use of excessive force in an incident that occurred on January 1, 2003 at 1714 hours involving the death of a canine belonging to Pamela Smoak.

If you are found to be guilty of these violations, disciplinary action may be taken as described in General Order 12-2 up to probation. Your employee rights and responsibilities relative to the investigation are also listed in General Order 12-3. A copy of these rights is attached to this memo.

As stated in General Order 12-3, Section 3.3.5., "Information obtained during the investigation shall be kept in the strictest confidence, and members of the department participating in the investigation either as an investigator, principal, or witness are prohibited from discussing the investigation with other members of the department or the general public."



NATIONALLY ACCREDITED SINCE 1998

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Employee's Rights and Responsibilities: Non-criminal investigations

- A. An employee shall be informed of the nature and cause of the accusation.
- B. An employee has the right to be confronted with, and subsequently ask questions of, the witnesses against him/her.
- C. An employee has the right to present testimony and/or witnesses in his/her defense.
- D. Immediately prior to any investigation, employees will be advised of the name and rank of the investigating officer and of any individual present during questioning, and the nature of the investigation.
- E. Interviews will be reasonable in length and should be conducted at the Cookeville Police Department.
- F. Interviews should be conducted while the employee is on duty when practical.
- G. All interviews should be tape recorded and subsequently reduced to writing. Employees may also use their own tape recording equipment.
- H. Employees accused of, or who may have relevant information concerning misconduct, may be ordered to submit a written response and/or be interviewed concerning the complaint. Employees will extend their total cooperation with officers who are investigating complaints of misconduct. Refusal to cooperate in an Internal Affairs investigation will constitute insubordination by the employee and subject the employee to disciplinary measures and/or dismissal.
- I. No employee shall be required or requested to disclose any item of his property, income, assets, source of income, debts, or personal or domestic expenditures, including those of any member of his family or household, unless such information is necessary in investigating a possible conflict of interest with respect to the performance of his official duties, unless such disclosure is required by law, or unless such information is related to an investigation.

On occasion that a complaint at an Executive Committee Hearing is classified as showing no fault of the officer, the officer will have the right to file charges against the complainant for False Report. Employees may also counsel with their attorney concerning civil remedy against the complainant.

CITY OF
COOKEVILLE



CHIEF R. E. TERRY
Cookeville Police Department

10 East Broad Street
Cookeville, Tennessee 38501

Phone (931) 526-2125 Fax (931) 528-9368

COPY

Memorandum

To: Lieutenant Randy Evans

From: Deputy Chief Fred White
Operations Commander

Date: January 2, 2003

Re: Internal Affairs Investigation

This memo is to inform you that Officer Eric Hall, who was under your command on the date in question, is now the subject of an internal affairs investigation regarding a charge of use of excessive force in an incident that occurred on January 1, 2003 at 1714 hours involving the death of a canine belonging to Pamela Smoak.



NATIONALLY ACCREDITED SINCE 1998

CITY OF
COOKEVILLE

TENNESSEE
"Where good things happen"

CHIEF R. E. TERRY
Cookeville Police Department
10 East Broad Street
Cookeville, Tennessee 38501
Phone (931) 526-2125 Fax (931) 528-9368

COPY

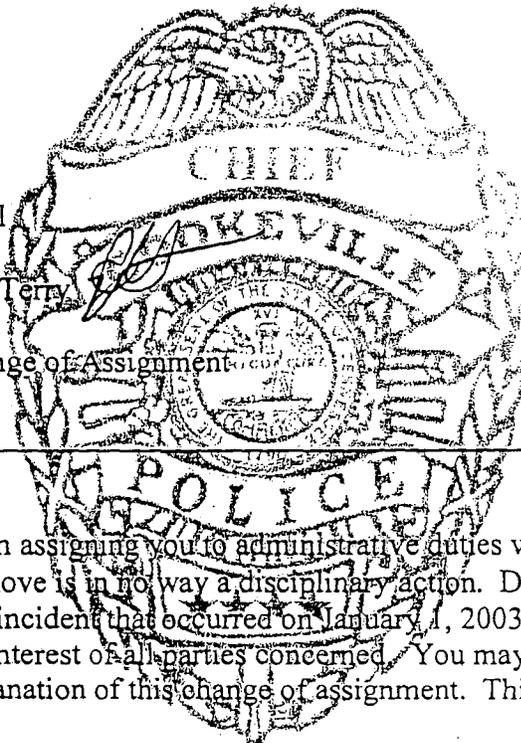
MEMORANDUM

Date: January 7, 2003

To: Officer Eric Hall

From: Chief Robert E. Terry

Re: Temporary Change of Assignment



Until further notice, I am assigning you to administrative duties within the Family Protection Unit. This move is in no way a disciplinary action. Due to the controversy that has surrounded the incident that occurred on January 1, 2003, I simply feel this action to be in the best interest of all parties concerned. You may contact me if you require any further explanation of this change of assignment. This action is effective immediately.



NATIONALLY ACCREDITED SINCE 1998



CHIEF R. E. TERRY
Cookeville Police Department
10 East Broad Street
Cookeville, Tennessee 38501
Phone (931) 526-2125 Fax (931) 528-9368

COPY

Memorandum

To: Chief Robert Terry
From: Detective Sergeant Bill Boman
Date: January 7, 2003
Re: Internal Affairs Investigation

This memo is to inform you of the conclusion of the Internal Affairs Investigation regarding a complaint of excessive use of force by Officer Eric Hall. Attached is a copy of an overview of this investigation as well as the Conclusion of Fact.



Internal Affairs Investigation

COPY

January 7, 2003

Officer Eric Hall

Allegations

Excessive Use of Force

Complaint

The complainant, Pamela Smoak, alleges that during a felony stop on January 1, 2003, Officer Eric Hall used excessive force without justification by taking the life of a canine that exited the complainant's vehicle. Mrs. Smoak further alleges that the Cookeville Police Department was negligent in not closing the doors of her vehicle allowing the canine free access to the outside.

Overview

On January 1, 2003, the Tennessee Highway Patrol contacted our communications section and requested assistance with a felony stop on Interstate 40 near South Jefferson Avenue. Patrol Officers Eric Hall and Mead McWhorter were assigned to this sector. Communications contacted Officer Hall and assigned the assistance call to him. Officer McWhorter notified communications that he was at the eastbound on-ramp of I-40 and asked them to confirm the location of the Tennessee Highway Patrol unit. Communications replied back that the location was unknown.

At this time, Officer Hall contacted communications requesting a description of the vehicle and information regarding the felony. Communications contacted the Highway Patrol and obtained a description of the vehicle but did not inquire about what type of felony had occurred. Officer Hall arrived on the scene prior to being advised of the information that communication had received. Officer Mead McWhorter and Sergeant Bruce Lamb were the first units on the scene followed by Officer Hall.

Sequence of Events

Officer McWhorter arrived on the scene. He pulled his unit to the south side of the stop, extinguished his lights so as not to silhouette the other officers in front of him. He exited his vehicle and took up a position at the rear of the perimeter with his rifle. He did not activate his on board camera because of the possibility of a system override of the other units.

Sergeant Lamb parked his vehicle behind Officer McWhorter's vehicle and concentrated on the oncoming traffic. Officer Hall arrived, extinguished his lights, and did not activate his on board camera for the same reason as Officer McWhorter. Officer Hall exited his vehicle with a shotgun and took up a position on the south side of Officer McWhorter. (Tapes from the on-board cameras of Sergeant Bruce Lamb, Officer Mead McWhorter, and Officer Eric Hall were placed in evidence.)

Trooper Bush, the initiating officer, was in the process of the felony stop. He had ordered everyone out of the vehicle one at a time. Officer McWhorter and Officer Hall were concentrating on the safety of the troopers. The officers of the Cookeville Police Department were unaware of the fact that a large canine was in the vehicle.

The canine exited the vehicle and circled the officers from the southeast to the southwest finally targeting Officer Hall. Officer Hall yelled for the canine to get back. The canine continued to approach in a threatening and rapid manner. Officer Hall retreated leaving only enough time to fire his weapon to stop the attack.

Policy and Procedures

Policy and Procedures (General Order 2-1, Use of Force) states that deadly force can be used if the following exist:

1. Reasonable belief, what a reasonable person in the same or similar circumstance would believe at the time.
2. Serious bodily injury or death will occur unless the situation is terminated.
3. Force continuum.

Findings

1. The request by the Highway Patrol for assistance was justified because of understanding.
2. The officers from the Cookeville Police Department were assigned as support personnel only.
3. The actions taken by the officers in regards to the felony stop were within the training guidelines taught by the Cookeville Police Department. (Officers are trained not to secure a vehicle, i.e. close doors, until the vehicle is cleared of all threats.)
4. Officer Hall, as defined by policy, was placed in a position that a reasonable person would have believed that he was in imminent danger of serious bodily harm or death. Because of the rapid escalation of the situation, Officer Hall had no other choice but to terminate the threat. Officer Hall yelled at the canine to get back while retreating. The canine continued closing the distance of inches before Officer Hall was forced to discharge his weapon.

Conclusions

There are no known facts to substantiate the allegations that Officer Hall or any other officer involved violated General Order 2-1, Section 1.3.2, Use of Force, or General Order 31-1, Section 1.3.15, Traffic Law Enforcement.

CITY OF
COOKEVILLE

TENNESSEE
"Where good things happen"

CHIEF R. E. TERRY
Cookeville Police Department
10 East Broad Street
Cookeville, Tennessee 38501
Phone (931) 526-2125 Fax (931) 528-9368

COPY

January 8, 2003

Chief Mary Ann Viverette
Gaithersburg Police Department
7 East Cedar Avenue
Gaithersburg, MD 20877

Dear Chief Viverette,

We appreciate you taking the time to review the video of a felony stop that occurred on January 1, 2003. The Cookeville Police Department strives to continually review its policies and actions implementing any necessary changes in an effort to improve our ability to provide law enforcement services to the community. An independent review by a respected professional of your stature will assist us tremendously in that endeavor. Please accept our deepest gratitude for reviewing this incident and providing us with your comments and opinions.

Sincerely,



Sgt. David Dukes
Cookeville Police Department
Training and Professional Standards



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Tape Overview

COPY

The videotape was taken by an in-car camera from a Tennessee Highway Patrol unit. The T.H.P. Troopers are in the brown shirts, and the officers from the Cookeville Police Department are at the right side of the viewing area in the dark blue uniforms. The Tennessee Highway Patrol is in charge of the stop itself with our officers serving as cover officers. The first Cookeville officer visible is Officer Mead McWhorter. The second officer is Officer Eric Hall who actually fires the shot that kills the dog.

Our department was contacted by the Highway Patrol. They requested that we assist a trooper with a felony stop. At the time of the stop, this was all the information that our officers had received.

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Accreditation Program

Gaithersburg Police Department
7 East Cedar Avenue
Gaithersburg, MD 20877
Phone: (301) 258-6400
Fax: (301) 258-6410

Commanding Officer:
Mary Ann Viverette, Chief of Police

Accreditation Contact:
Donald Pike, Police Administration
Director
Phone: (301) 258-6406



Initial Accreditation: July 31, 1993

Reaccreditation: July 31, 2001

Send mail to calea@calea.org with questions or comments about this web site
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Chief Mary Ann Viverette

Mary Ann Viverette is Chief of Police of the Gaithersburg (MD) Police Department. Chief Viverette has been with the Gaithersburg Police since 1979, holding all ranks until her appointment as Chief of Police in 1986.

Chief Viverette holds a Bachelor of Science degree in Law Enforcement/Criminology from the University of

Maryland and a Master of Science Degree in Human Resource Management from the University of Maryland. She is a graduate of the FBI national Academy, Session 155.

Chief Viverette was elected in November 1999 as a Vice President of the Board of Officers of the International Association of Chiefs of Police (IACP). The IACP is an organization of more than 18,000 members from the world's law enforcement community with members in 109 countries.

Chief Viverette served as a Vice-President of the National association of Women Law Enforcement Executives (NAWLEE) and she was one of the founding members of the Association. She currently serves on the Maryland Chiefs of Police Association's Executive and Training Committees, the D.A.R.E. America Advisory Board, and the National Advisory Board for CommUNITY 2000 - a national project to strengthen communities for the 21st century. She was recently appointed by Governor Glendening to Maryland's Vehicle Theft Prevention Council. She also serves on the Advisory Board of the Police Executive Research Forum's Criminal Justice/Mental Health Consensus Project and on IACP's Victim Services Advisory Board.

Chief Viverette is an Assessor with the Commission of Accreditation for Law Enforcement Agencies (CALEA), and she served on the 1994 and 1998 Standards Review Committes, which streamlined and updated national law enforcement standards. Her department was accredited in 1993, and reaccredited in 1998.

In 1995, the Gaithersburg Police Department received the US Conference of Mayor's "Livability Award" for its Community Policing efforts citywide.



**COMMISSION ON ACCREDITATION
FOR LAW ENFORCEMENT
AGENCIES, INC.**



PRESS RELEASE

May 20, 2002

The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) is pleased to announce the appointment of Chief of Police Mary Ann Viverette, Gaithersburg, Maryland Police Department to fill the unexpired term of past Commission Chairperson Stephen Monier. The appointment is effective immediately. Her department has been accredited since 1993.

CALEA was established as an independent accrediting authority in 1979 by the four major law enforcement executive associations: International Association of Chiefs of Police (IACP); National Organization of Black Law Enforcement Executives (NOBLE); National Sheriffs' Association (NSA); and Police Executive Research Forum (PERF). The Executive Directors of these four associations appoint members to the Commission annually. The Commission has 21 members; 11 members are law enforcement practitioners; the remaining 10 members are from the public and private sectors. The position is voluntary with Commissioners appointed to a term of three years. The Commission meets three times each year.

CALEA's purpose and mission is two-fold. First, to establish a body of standards designed to (a) increase public safety agency capabilities to prevent and control crime; (b) increase agency effectiveness and efficiency in the delivery of public safety services; (c) increase cooperation and coordination with other public safety agencies; and (d) increase citizen and employee confidence in the goals, objectives, policies, and practices of the public safety agency. Second, to establish and administer a series of accreditation and recognition programs through which public safety agencies can demonstrate *voluntarily* that they meet an established set of professionally recognized criteria for excellence in management and service delivery.

Chief Viverette has been with the Gaithersburg Police since 1979, holding all ranks until her appointment as Chief of Police in 1986. Chief Viverette holds a Bachelor of Science degree in Law Enforcement/ Criminology and a Masters Degree in Human Resource Management, both from the University

of Maryland. She also graduated from the FBI National Academy, Session 155, in 1988.

Chief Viverette is currently the 4th Vice President on the Board of Officers of the International Association of Chiefs of Police (IACP). In 1996, Chief Viverette was a founding member and is a Vice-President of the National Association of Women Law Enforcement Executives. She has been a member of the Maryland Chiefs of Police Association since her appointment in 1986 and serves on the Maryland Chiefs' Executive and Training Committees. In 1995, the Gaithersburg Police Department received the US Conference of Mayor's Livability Award for its Community Policing efforts citywide.

Chief Viverette is an active Assessor and Team Leader with the Commission on Accreditation for Law Enforcement Agencies (CALEA) and served on two Standards Review Committees to streamline the accreditation process. She is also a current member of CALEA's *ad hoc* Sub-Committee on Law Enforcement Performance Measurement.

We congratulate and welcome Chief Viverette to the Commission.

Source: Sylvester Daughtry Jr., Executive Director, CALEA, Fairfax, VA - (800) 368-3757 X31

[Back](#)

Mr. Jim Shipley
 Chief R.E. Terry
 Cookeville Police Department
 10 E. Broad Street
 Cookeville, TN 38501

Dear Mr. Shipley:

I am writing in response to your formal request to review the videotape of January 1, 2003 involving your officers. I am providing my opinion based solely on the review of the video tape and a brief discussion with you. As we previously discussed, I am unable to provide a more detailed opinion without the benefit of interviewing the officers involved or having full knowledge of the information provided to the dispatcher or the responding officers.

The opinions given herein are my personal opinions, based on my knowledge and experience in reviewing response to aggression and use of force as a Chief of Police over the past sixteen years. These opinions are not those of the City of Gaithersburg or those of the professional Associations that I am involved with as a Board member.

The Cookeville Police Department's policy on "Use of Force" clearly states,

"Officers are confronted daily with situations requiring the use of force to effect arrest to ensure public safety. The degree of force used is dependent upon the facts surrounding the situation the officer faces."

"An officer may use deadly force only when the officer reasonably believes that the action is in the defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious bodily injury."

"The use of deadly force is not mandated by any statute. It is the officer's personal decision whether to use deadly force when faced with the totality of circumstances as they are perceived during a possible deadly force situation."

One of the most important factors to consider with regard to your officer's use of force in this incident, is the officer's perception of the level of threat posed by the animal during this felony traffic stop. Clearly, if the officer felt threatened with serious bodily harm or



death, his actions are understandable. As an Administrator and/or Investigator charged with reviewing this incident, I would expect the officer to clearly articulate his reasons for determining there was a specific threat of serious bodily injury or death. If, upon review, his belief is deemed to be *objectively* reasonable, there would be no reason for administrative action against this officer for his actions. It is important to note that the officer was forced to make a decision under stressful and quickly evolving conditions.

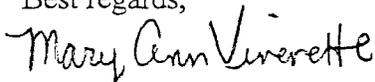
The tactics used during the felony traffic stop could be greatly improved; however, I understand that all of these concerns are not under the purview of your agency. There appears to be a communications problem between the troopers and your officers. It appears that the vehicle was "cleared" by a trooper at least 17 seconds before the dog ran out of the vehicle. The fact that there were not additional suspects in the vehicle should have been clearly stated by the trooper. Additionally, I believe that the trooper should have initiated closing the doors of the vehicle after he approached and determined the vehicle was void of additional suspects and the dog was left loose in the vehicle.

I was most concerned with the cross-fire situation that developed after the dog was shot. It appears from the tape that, after the dog was shot, both of your officers faced back toward the troopers making the arrest, with their weapons trained in the direction of the troopers. This is either poor weapons discipline which can be addressed through additional training or the officer's response to a perceived threat.

There are still many unanswered questions from my perspective that could be addressed with a more complete internal investigation. I would be interested in the information that was provided from the call-taker and dispatcher. Was the call dispatched appropriately as a suspicious situation or as a lookout for armed robbery suspects – which would clearly escalate the response? Our previous discussion made it evident to me that your officers were responding to a back-up situation without the benefit of all of the appropriate information.

I appreciate the opportunity to review this matter and I hope that the issues and points I have raised will be of benefit to you and your agency. I applaud the fact that you have asked for input from outside sources. I will take this opportunity to recommend two individuals from Tennessee whom I believe could be of assistance to you in your review of this matter – Dave Jennings of TBI and Mike Williams of the Chattanooga Police Department.

Best regards,



Mary Ann Viverette
Chief of Police

Memo

23

To: Chief Robert E. Terry

From: Sergeant David Dukas

CC:

Date: January 14, 2003

Re: List of contacts

In my attempt to locate a resource to conduct an independent review of the situation that occurred on January 1, 2003, I contacted the following persons:

Sergeant Myatt-L.A.P.D. Training Division, Tactics Section

Captain Mike Williams-Chattanooga P.D. Training Division

Mark Bracy-T.L.E.T.A.-Director

Dennis Hyater-C.A.L.E.A.-Program Manager



CHIEF R. E. TERRY
Cookeville Police Department
10 East Broad Street
Cookeville, Tennessee 38501
Phone (931) 526-2125 Fax (931) 528-9368

COPY

January 14, 2003

Mrs. Pamela Smoak
649 Pearsons Falls Road
Saluda, NC 28773

Dear Mrs. Smoak:

I have reviewed your complaint and the results of the Internal Affairs Investigation. In an effort to seek as much input as possible relative to your complaint, our department has sent a copy of the video of the incident to Mary Ann Viverette, Chief of Police of Gaithersburg, Maryland, who is a highly regarded professional. She was asked to study the video and provide us with her analysis. I have attached a copy of Chief Viverette's comments. After much review, I have concluded that Officer Eric Hall's perception of the level of threat during this stop were reasonable. As such, there will be no disciplinary action against this officer.

The vast majority of police officers choose this profession because we want to make things better for people and not worse. I have been a part of this department for most of my life and the Chief for the past four years, and I know the hearts of my officers. We want to prevent or ease pain - not cause pain. We desire to keep people safe and not ever cause harm. At the same time we realize that we are not perfect. We are not people who hide from the truth or claim to be right when we are wrong. Our entire investigation into this matter revolved around our attempts to discover the truth, not to cover it up.

When there is an incident such as what happened on January 1, our officers hurt, too. You may not believe that, but I can assure you that it is true. Beyond that, we make every effort to determine why things happened as they did and what corrective action may be taken in the future. I want you to know that the Cookeville Police Department does not support or condone the actions of officers who violate policy or display excessive force.

Hindsight is truly twenty-twenty. Unfortunately, an officer at the scene of an unknown call for assistance with a felony stop does not have the luxury of hindsight. That officer must make split-second, life-altering decisions based on what is generally a small bit of information. In this case, Officers Hall and McWhorter were not privy to any information regarding events leading up to the felony stop.



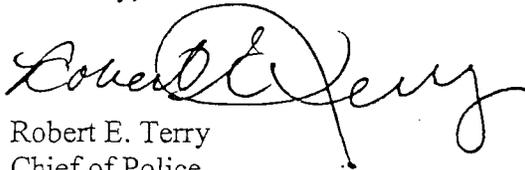
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The terrible events of January 1, 2003 have brought my department under the scrutiny of the world. I have heard and read a great number of opinions from people all over the country about how the incident should have been handled and what should now be done to Officer Hall, this department, and our city. The best I can offer you and the public we are sworn to serve at this point is an objective inquiry into the situation. This evaluation has been completed, and it has been determined that under all the circumstances known at the time the officer was acting pursuant to established law enforcement standards, the policy of this department, and accepted training criteria.

As Chief of Police of the Cookeville Police Department, I feel compelled to share with you that Officer Eric Hall has dedicated his life to the service and protection of others. He has a consistent record of courage, compassion, and fairness. If circumstances had been such that members of your family were victims of a crime, Officer Hall would have rushed into harm's way to protect them. You may never find it in your heart to forgive him, but you need to know that he is not the person that some have portrayed him to be.

I tell you in no uncertain terms that we deeply regret the loss of General Patton. The members of this department are not animal haters or heartless rogues as we are being portrayed. Due to a bizarre combination of events, you were subjected to a great deal of pain and grief. I assure you that everyone here feels terrible about that. Any one of us, if given the chance, would turn back time to avoid this unfortunate situation. In closing, we hope that you can accept our deepest regrets and find it in your heart to forgive us for our role in this terrible incident.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Terry". The signature is written in a cursive style with a large, prominent loop at the end of the last name.

Robert E. Terry
Chief of Police

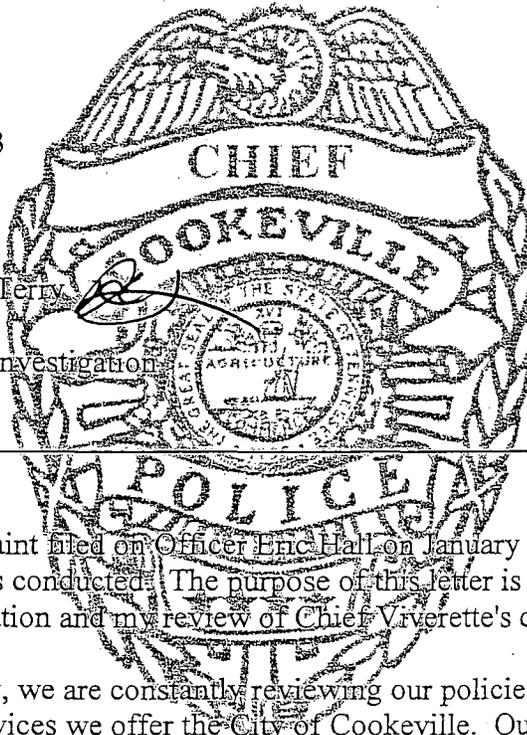


CHIEF R. E. TERRY
Cookeville Police Department
10 East Broad Street
Cookeville, Tennessee 38501
Phone (931) 526-2125 Fax (931) 528-9368

COPY

MEMORANDUM

Date: January 14, 2003
To: Jim Shipley
From: Chief Robert E. Terry
Re: Internal Affairs Investigation



As the result of a complaint filed on Officer Eric Hall on January 2, 2003, an Internal Affairs investigation was conducted. The purpose of this letter is to advise you of the findings of that investigation and my review of Chief Viverette's comments.

As an Accredited agency, we are constantly reviewing our policies and procedures as we strive to improve the services we offer the City of Cookeville. Our investigation into this complaint was conducted in the same manner. Upon receiving the complaint we immediately began an Internal Affairs investigation to determine whether the actions of Officer Eric Hall and Officer Mead McWhorter were appropriate and within departmental policy. We then began to seek an independent review of the situation. We contacted several agencies, training academies and law enforcement professionals from across the country in an effort to find the most knowledgeable and respected resource available. We eventually chose Chief Mary Ann Viverette to review the incident. Chief Viverette is the Chief of Police of the Gaithersburg Maryland Police Department and is a highly respected law enforcement professional. Among her other titles, Chief Viverette holds the office of Vice President of the International Association of Chiefs of Police and is a Commissioner for the Commission on Accreditation for Law Enforcement Agencies



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(C.A.L.E.A.). We felt certain Chief Viverette would render a fair and impartial finding regarding the incident. We provided Chief Viverette with a copy of the videotape and a brief overview of the situation. These items can be located in the Internal Affairs investigation file.

After reviewing the results of the Internal Affairs investigation and the findings of Chief Viverette, I conclude that Officer Hall's actions were justified. It is universally accepted that an officer has the right to use deadly force when in fear of death or serious bodily injury. I am convinced that in the few seconds Officer Hall had to react, he was honestly and reasonably in fear. His actions were thereby justified, and he is exonerated (as defined in General Order 12-2, Disciplinary Action) of the charge of excessive or unnecessary use of force.

The actions of Officer Hall aside, I recognize the complexity and dynamics involved in the sequence of events that occurred on January 1, 2003. Both the Internal Affairs investigation and our request for an independent review of the incident were focused on the role our officers played in the situation which was to provide back-up to troopers of the Tennessee Highway Patrol as they conducted a felony stop. The troopers on the scene were responsible for the tactics used during the stop. I will not attempt to critique the tactics they used while conducting the stop. The frequently asked question regarding why the door was not closed during the stop is addressed by Chief Viverette in her independent review of the incident.

It is our sincere desire that an incident such as the one that occurred on January 1, 2003 not be repeated. The Cookeville Police Department will immediately address the following issues:

- Officers of the Cookeville Police Department have historically provided assistance to other agencies regardless of how much or how little information was provided to us regarding the incident at hand. It is obvious that as our officers were responding to the Tennessee Highway Patrol's request for assistance, they were asking for more information. I feel confident that if our officers had been provided accurate information, the unfortunate outcome may have been avoided. We must first take steps to improve communications between the Cookeville Police Department and other agencies.
- We will review our policies that address how and when our department provides assistance to other officers/agencies. We must make certain that guidelines exist that will prevent our officers from responding to a "blind call" such as the one that occurred on January 1, 2003.
- I have discussed the line-of-fire situation pointed out by Chief Viverette with our Training Section. We will address this issue through training.

- I feel confident that the officers of the Cookeville Police Department are among the most highly trained, professional officers not only in the State of Tennessee, but in this country. In a letter received from People for the Ethical Treatment of Animals (PETA), they advise that "complaints to PETA show that officers have prematurely resorted to deadly force in many cases involving dogs because they lack proper training in humane ways to handle them". They further state "We are worried that officers in your agency, like so many others, may prematurely resort to deadly force in cases involving animals, especially dogs, out of unfounded fear for their own safety." The letter states that PETA has helped other agencies implement animal-handling training and operating procedures. We have contacted PETA to request additional information regarding this training. We are always open to new ideas and will pursue this avenue of training.

In conclusion I would like to inform you that I have sent the Smoak family a communication documenting the findings of the investigation and have included a copy of it with this report.

New

 Amended May 14, 2001
 Rescinds General Order No. _____
 Dated _____, 19____

SUBJECT: _____ Use of Force _____
 Pages: 19

Authorizing Signature: _____
 Date: _____

2-1.1 POLICY

Officers are confronted daily with situations requiring the use of force to effect an arrest to ensure public safety. The degree of force used is dependent upon the facts surrounding the situation the officer faces. All officers of the Cookeville Police Department will use only the amount of force that is reasonable and necessary to accomplish lawful objectives given the facts of the situation. In order to insure that only reasonable and necessary force is used, each officer will read and understand the guidelines set forth in this policy prior to the use of force in the line of duty.

2-1.2 PURPOSE

This general order establishes guidelines mandating use of force training, regulating the appropriate use of force in the field, describing procedures for reporting the use of force, and instituting a system for use of force review.

2-1.3 DEFINITIONS

1.3.1 Deadly Force

Force that is likely to cause death or serious bodily injury.

1.3.2 Reasonable Belief

What a reasonable person in the same or similar circumstance would believe based on the knowledge of facts surrounding the event as they existed at the time of the event.

1.3.3 Serious Bodily Injury

Weapons of the body such as feet, fists, elbows, and forehead, etc.

1.3.5 In the line of duty

Any act performed as a commissioned officer whether on or off duty.

1.3.6 Force Continuum

Broad categories of force in identifiable, escalating/descending stages of intensity. They are commonly identified as officer presence, verbal control, empty hand control, intermediate weapon control, and deadly force in response to a subject's action. A subject's action may be defined in broad categories including psychological intimidation, verbal non-compliance, passive resistance, defensive resistance, active aggression, and deadly force assault.

1.3.7 Enforcement Status

The status of a commissioned/sworn law enforcement officer having arrest powers and the ability to carry a firearm in the line of duty.

1.3.8 Probable Cause

A reasonable ground of suspicion supported by circumstances sufficiently strong in themselves to warrant a prudent and cautious man to believe that the accused is guilty of the offense with which he is charged.¹

1.3.9 Tennessee Code Annotated (TCA) 39-11-620 - Use of deadly force by a law enforcement officer.

(a) *A law enforcement officer, after giving notice of such officer's identity as such, may use or threaten to use force that is reasonably necessary to accomplish the arrest of an individual suspected of a criminal act who resists or flees from the arrest.*

¹ Sanders v. Palmer, N.Y., 55 F. 217, 5 C.C.A. 77. BLACK'S LAW DICTIONARY, Revised Fourth Edition.

(b) Notwithstanding subsection (a), the officer may use deadly force to effect an arrest only if all other reasonable means of apprehension have been exhausted or are unavailable, and where feasible, the officer has given notice of such officer's identity as such and given a warning that deadly force may be used unless resistance or flight ceases, and:

(1) The officer has probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury; or

(2) The officer has probable cause to believe that the individual to be arrested poses a threat of serious bodily injury, either to the officer or to others unless immediately apprehended.

1.3.10 TCA 40-7-108 - Resistance to officer.

(a) A law enforcement officer, after giving notice of such officer's identity as such, may use or threaten to use force that is reasonably necessary to accomplish the arrest of an individual suspected of a criminal act who resists or flees from the arrest.

(b) Notwithstanding subsection (a), the officer may use deadly force to effect an arrest only if all other reasonable means of apprehension have been exhausted or are unavailable, and where feasible, the officer has given notice of such officer's identity as such and given a warning that deadly force may be used unless resistance or flight ceases, and:

(1) The officer has probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury; or

(2) The officer has probable cause to believe that the individual to be arrested poses a threat of serious bodily injury, either to the officer or to others unless immediately apprehended.

(c) All law enforcement officers, both state and local, shall be bound by the foregoing provisions and shall receive instruction regarding implementation of same in law enforcement training programs.

1.3.11 TCA 39-17-1315 - Written directive and permit to carry handguns.

(a) (1) Any law enforcement officer, police officer,

bonded and sworn deputy sheriff, director, commissioner or retired law enforcement officer who is bonded and who, at the time of receiving the written directive, has successfully completed and, except for a law enforcement officer who has retired in good standing as certified by the chief law enforcement officer of the organization from which the officer retired, continues to successfully complete on an annual basis a firearm training program of at least eight (8) hours duration, full-time employee of the Tennessee emergency management agency in the performance of the employee's duty, or any other officer or person authorized to carry handguns by this, or any other law of this state, may carry such handguns at all times pursuant to a written directive by the executive supervisor of the organization to which the person is or was attached or employed, regardless of the person's regular duty hours or assignments; however, a copy of the written directive shall be retained as a portion of the records of the particular law enforcement agency which shall issue the directive. Nothing herein shall prevent federal officers from carrying firearms as prescribed by federal law...

1.3.12 TCA 38-3-121 - Use of choke holds.

No law enforcement officer shall use a choke hold or other similar respiratory restraining maneuver, with or without the use of the police baton, on any suspect, defendant or other person unless other methods of restraint are ineffective. Nothing in this section shall be construed to prohibit the use of the lateral vascular maneuver.

2-1.4 PROCEDURE

1.4.1 General

- A. The use of force can be described as a continuum wherein the officer is given many options to appropriately respond to varying levels of resistance or aggression. This continuum should allow the officer to increase (or decrease) the amount of force used to control the resistive behavior of an individual. In no way should this continuum be considered a step up/down process. Certain situations may warrant an immediate jump to any part of the force continuum.
- B. "Building from bottom to top, each level represents force of greater intensity. That is, the continuum moves from those options that are most reversible to those that are least reversible ... from those

offering the least certainty of control to the greatest certainty of control..."² and from those with the least expectancy for physical injury to those with the greatest expectancy for physical injury. As officers escalate the amount of force used, they need greater justification for their actions.

- C. The Chief of Police, in accordance with the provisions of the ordinances of the City of Cookeville and the Tennessee Code Annotated, grants officers the authority to carry and employ those weapons/tools issued or approved by the department following any required training. Officers are authorized to use these weapons/tools in any situation in the line of duty requiring the use of force to effect a lawful arrest to ensure public safety.
- D. Any non-issued tools/weapons (lethal or less than lethal) must be approved by the Chief of Police prior to use. Officers will be required to successfully complete approved courses of training that are determined by the department for the use of any weapons or approved techniques in the force continuum.
- E. Officers will render first aid, when appropriate, for injuries sustained by the subject during the use of force. The officer shall also offer the injured subject the opportunity to seek professional medical attention if required or requested.

1.4.2 Force Continuum

A. Officer Presence [Level One]

1. The arrival of an officer on the scene is a first step in controlling an escalating situation. Although some individuals will be aggressive regardless of the officer's demeanor, an officer can often control or limit a suspect's aggressive actions by positioning and tactical awareness.
2. If the officer appears uneasy or out of control this perception may lead an individual to escalate his or her aggressive behavior.

B. Verbal Control [Level Two]

² Remsberg, Charles, "The Tactical Edge, Surviving High Risk Patrol," pp. 432, Calibre Press, Inc., 1986.

conversation (even with individuals that may be confrontational) will often help the officer control the situation with a minimum of force used.

2. Command Language

Once an officer realizes that an individual is failing to respond to verbal persuasion, an officer may attempt to prevent the further escalation of force by the use of verbal commands.

C. Empty Hand Control [Level Three]

Once an officer realizes that an individual cannot be controlled through verbal commands, the first physical contact may be the use of empty hand control techniques. Even though this involves direct physical force, this option is calculated to give the least likely chance of physical injury to anyone involved. These empty hand control techniques may include (but are not limited to) the following:

1. Soft Techniques

These techniques include:

- a. Physical grabs, restraints, and escort holds.
- b. Pain Compliance techniques through the use of pressure points.
- c. Leverage arm bars.
- d. Handcuffs/approved restraint devices used to temporarily restrain, prevent injuries, and prevent escape.

2. Hard Techniques

These techniques include:

- a. Controlled takedowns.
- b. Selective strikes using personal weapons.

- (2) Anytime an ARD is used, an officer will render first aid by providing access to water, fresh air, and by observing the suspect until the effects of the OC wear off. First aid will be rendered as soon as safety concerns permit.
- (3) Specialized training for the use of ARDs will be required before officers are allowed to use them on duty.

d. Lateral Vascular Neck Restraints.

These techniques may cause death or serious bodily harm if applied incorrectly. Therefore, officers will be required to complete additional training on these techniques on an annual basis. Additionally, special procedures will be followed when using these techniques. They include:

- (1) If the suspect loses consciousness, an officer cannot reapply this technique.
- (2) They may be applied using empty hands only (no tools/weapons).
- (3) When applied on a subject to a point where the loss of consciousness results, the subject must be transported to the Cookeville Regional Medical Center Emergency Room for observation.
- (4) If a lateral vascular technique cannot be properly applied and its misapplication results in a respiratory restraint (choke hold), the officer must immediately correct or release the hold unless deadly force is justified. The use of a respiratory restraint (choke hold) is always deadly force, which represents the highest, most irreversible level of the force continuum.

control over the situation, increasing the likelihood of physical injury resulting from striking the suspect.

- b. Although batons are normally considered impact weapons, they can be used to enhance the leverage of certain empty hand techniques without striking. Additionally, batons can be used as blocking tools in the defense of an officer.

2. Hard Techniques

- a. When an officer faces an aggressor who is actively resisting or endangering the personal safety of those present, the officer may have to use an impact weapon to control the subject's assaultive behavior. Impact weapons should be used for strikes to areas that minimize the risk of physical injury. Use of other impact weapons may be requested through the chain of command to the Chief of Police.
- b. These weapons may be carried after the successful completion of any additional training requirements:
 - (1) Issued straight baton.
 - (2) Issued expandable baton.
- c. Officers who wish to carry any personally owned impact weapons for use in the line of duty must request permission from the Chief of Police. The Chief of Police may approve the use of these weapons after the successful completion of any additional training requirements.
- d. Weapons specifically prohibited are slap jacks, brass knuckles, sap gloves, and thumb cuffs.

E. Deadly Force [Level Five]

1. An officer may use deadly force only when the officer reasonably believes that the action is in the defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious bodily injury.
2. Deadly force can be used when an officer has probable cause to believe that a suspect is committing or attempting to commit a felony involving the infliction or threatened infliction of death or serious bodily injury. Further, an officer may use deadly force if there is probable cause to believe that a suspect will continue to cause death or serious bodily injury if apprehension of the suspect is delayed and the use of deadly force is the only known alternative to prevent escape of the fleeing felon.
3. When using deadly force to effect an arrest, all other reasonable means of arrest must have failed or appeared futile under the circumstances before such force would be deemed necessary. At a minimum, some verbal warning or notice should be given if possible before using deadly force to effect an arrest (TCA 39-11-620).
4. The use of deadly force is not mandated by any statute. It is the officer's personal decision whether to use deadly force when faced with the totality of the circumstances as they are perceived during a possible deadly force situation. An officer must realize that either overreaction or lack of action can lead to unnecessary injuries or death. The decision to act must be made with the best interests of all those present. It oftentimes must also be made immediately.

1.4.3 Lethal Weapons

Lethal weapons are those weapons in the force continuum that may be used to employ deadly force.

A. Firearms

1. Although there are other justifiable ways an officer may employ deadly force, the use of a firearm will be the most common method. The firing of a firearm is always deadly force and represents the highest, most irreversible level of the force continuum. Therefore, firing a firearm for the purpose of disabling a vehicle or for warning shots will not be allowed.

3. Training

- a. Since the decision to discharge a firearm may have to be instantaneous and since a bullet in flight cannot be redirected or called back, every effort must be made to maintain the proficiency and decision-making ability of each officer through continual training.
- b. The firearm carried by officers gives them the ability to immediately respond to the most serious and aggressive deadly threats. With the ability to respond comes the responsibility for the individual officer to be prepared/ready to respond through continual training and maintenance.
- c. Prior to carrying any firearm in the line of duty, officers will have to demonstrate safe and proficient weapon-handling skills during all firearms training. Officers will additionally have to pass a departmentally approved firearms qualification course with every firearm used in the line of duty as directed by the Chief of Police.
- d. In order to guarantee that officers maintain proficiency with all firearms used in the line of duty, officers will be required to safely and satisfactorily complete firearms qualification courses and receive training on the Cookeville Police Department Use of Force Policy (General Order 2-1) as directed by the Chief of Police (annually at a minimum). Officers trained in less lethal weapons must satisfactorily complete re-training biennially.
- e. Such training will be monitored by a law enforcement firearms instructor certified by the Federal Bureau of Investigation, National Rifle Association, or Tennessee Peace Officer Standards and Training Commission.
- f. If an officer initially fails to meet minimum requirements, remedial firearms training will

be required immediately. If an officer fails to respond to remedial training by successfully meeting the minimum requirements of the qualification course, enforcement status will be suspended pending successful completion of the course.

- g. Permanent reassignment or termination will result if an officer continually fails to meet the minimum requirements during the year-long period following the initial failure to qualify.
- h. The General Departmental Instructor will maintain a record of the training and demonstrated performance with each weapon used by an officer in the line of duty.

4. On Duty Use of Firearms

a. Service Sidearm

Officers will carry a departmentally issued service sidearm loaded with departmentally issued service ammunition. The issued sidearm will be securely carried in a departmentally issued/approved holster.

b. Shotgun

Officers operating a marked patrol car will have access to a departmentally issued 12 gauge shotgun loaded with issued ammunition and locked within a secure mounted rack within the vehicle.

c. Personally Owned Firearms

Officers who wish to carry personally owned firearms on duty must request permission from the Chief of Police through appropriate approval forms. Approved weapons must be loaded with departmentally approved ammunition and secured/carried as required by the Chief of Police. The officer must qualify and re-qualify at least annually with personally owned weapons prior to carrying them on duty. The ammunition should be provided by the officer.

5. Off-Duty Use of Firearms

- a. Officers may carry firearms while off duty.

Officers may choose to carry the issued sidearm or a personally owned firearm. An officer choosing to carry a personally owned sidearm must have permission from the Chief of Police. Approved weapons must be loaded with departmentally approved ammunition and carried in a secure holster.

- b. Since the main reasons for carrying a firearm off duty are to take necessary enforcement action and self defense, officers will always have an issued badge, proper identification, and handcuffs while armed off duty.
- c. Whenever possible the badge should be placed in a position where the act of drawing the firearm makes the badge visible. This will identify the officer whenever the gun is shown intentionally or unintentionally.
- d. Firearms will not be carried while an officer is drinking alcoholic beverages.

6. Employee Responsibility

- a. Realizing that any firearm used in the line of duty is an emergency life-saving piece of equipment, officers shall maintain all firearms in the best working condition possible. If officers discover broken or defective parts and/or suffer constant firearm malfunctions, the firearm shall be taken to a departmental armorer for any needed repairs.
- b. During the course of duty, officers will not needlessly or recklessly display firearms in public due to the increased risk of accidental discharge.

7. Inspections/Inventory

- a. During the normal course of duty, supervisors will be required to inspect firearms carried in the line of duty by officers under their command.
- b. Individuals who have not properly maintained their firearms will be subject to corrective action as deemed necessary by their immediate supervisor. Please refer to General Order 125-1 Line/Staff Inspections.
- c. All issued and approved weapons used in the

necessary.

- d. Any improvements or modifications to a firearm used in the line of duty shall be subject to the approval of a departmental armorer. Any modifications made shall be to improve the weapon's use as a life-saving tool.
- e. The departmental armorer will maintain records of the safety and serviceability of each weapon used in the line of duty.
- f. The departmental armorer will maintain a record of each weapon approved by the agency in the line of duty. This record will include the type and specification of all lethal weapons, less-than-lethal weapons, and ammunition approved for use in the line of duty.
- g. The departmental armorer shall have an inspection and inventory made of the Department Armament at least once every two-(2) years. The results of this inspection will be documented in writing and a copy of the report will be forwarded to the Chief of Police.
- h. Department owned armament shall not be loaned to any person or agency without the consent of the Chief of Police.

B. Impact Weapons

An officer may also be justified in using an impact weapon as a lethal weapon in a deadly force situation. Officers should realize that any strike from an impact weapon to the head, neck, groin or sternum is considered lethal force. However, if a situation has escalated to lethal force, then any part of the body becomes a target to immediately halt a violent suspect's life-threatening behavior.

C. Improvised Weapons

In the extreme circumstances of a lethal force

confrontation, an officer may have to employ uncommon devices as lethal weapons when normally carried lethal weapons are unavailable or impractical. Such use of unconventional weapons may be justifiable in the defense of life.

1.4.4 Reporting the Use of Force

- A. A written report will be required anytime an officer uses force (or allegedly uses force) in the line of duty. Normally this use of force will be documented in an incident or supplementary report. However if an officer uses force in a situation that would not normally result in an incident report being filed, the mere use of force would require the documentation of the officer's actions on the scene. Documentation of force shall only be needed for level three and up. (Routine handcuffing will normally not be considered use of force.)
- B. In a situation where death or injury results due to the use of force, the officers involved should give immediate verbal notification of the incident to the on-duty supervisor as soon as safety concerns allow.
- C. If physically able, the officer will file a written report of the incident to the on-duty supervisor during the tour of duty. If any officer involved cannot complete the report during that time, the on-duty supervisor will file an initial report during that tour of duty.
- D. Additionally, an officer will be required to submit a written report when a firearm is discharged in the line of duty and/or when departmentally issued or approved ammunition is expended. (Approved ammunition is ammunition that the employee supplies and is approved by the Chief of Police for use in the line of duty.) All firearm discharges in the line of duty should be reviewed by the Criminal Investigations Division and investigated as directed by the Chief of Police. No reports should be required during training or recreational use of a firearm except in the case of injuries or property damage.

1.4.5 Reviewing the Use of Force

- A. The Chief of Police has the ultimate responsibility for reviewing use of force incidents. The Chief may convene a Review Board or direct any other internal investigation when force is used.

- B. Internal investigations conducted by the Cookeville Police Department shall document any violation of policy or procedure. Findings and suggestions shall be reported to the Chief of Police.
 - C. An annual analysis, presented to the Chief of Police by January 30th of each calendar year, will report on the use of force by the Cookeville Police Department. The Operations Commander will conduct the analysis. The purpose of this analysis will be to search for any needed training or policy modifications. This report will include (but not be limited to):
 - 1. Number of officers injured.
 - 2. Number of arrestees injured.
 - 3. Number of others injured.
 - 4. Frequency of injuries in relation to the force continuum.
 - 5. Frequency of use of force in relation to force continuum.
 - 6. Cost incurred due to injuries of arrestee.
 - 7. Cost incurred due to injuries of officers.
 - 8. Number of officer deaths.
 - 9. Number of other deaths.
- 1.4.6 Force resulting in death, serious bodily harm, or traumatic events.
- A. Any officer whose use of force results in a death or serious bodily injury shall be immediately removed from their regular assignment by their supervisor without loss of pay or benefits pending the investigative results.
 - B. In an incident involving a death, officers will be required to attend counseling provided by departmentally approved mental health professionals. Counseling will be provided prior to the officer's return to normal duty. The department may provide professional counseling for officers and families involved in other traumatic events.

2-1.5 SPECIFICATIONS FOR APPROVED WEAPONS

1.5.1 Weapons Specifications

1. Duty Pistols

Uniformed officers will carry a semi-automatic pistol that meets the following criteria when on duty.

- a. Type: semi-automatic pistol.
- b. Caliber: .45ACP.
- c. Barrel Length: Minimum 4 inches, maximum 6 inches.
- d. Magazine Capacity: 7 to 13 rounds.
- e. Stocks: synthetic material, dark or subdued color.

2. Administrative Personnel/Detective Duty Pistols

Administrative or plain-clothes officers will carry a pistol that meets the following criteria when on duty.

- a. Type: Semi-automatic pistol.
- b. Caliber: .45ACP.
- c. Barrel Length: Minimum 3 inches, maximum 6 inches.
- d. Magazine Capacity: 7 to 13 rounds.
- e. Stocks: Synthetic material, dark or subdued color.

3. Special Duty Pistols

Narcotics Investigators or other officers assigned to special duty functions that require added weapon concealment may be issued a more concealable weapon meeting the following criteria when on duty.

- a. Type: Double action revolver or Semi-automatic pistol.
- b. Caliber: 38 Special, 357 Magnum, 380 ACP, 9mm, 40 caliber, or 45 caliber.
- c. Barrel Length: Minimum 2 inches, maximum 6 inches
- d. Stocks: Natural or synthetic material, dark or subdued color.
- e. Ammunition used will be that approved for use in personally owned pistols.

B. Shotguns

Shotguns are optional issue weapons for officers who choose to receive training and maintain qualification standards. Officers should carry a department issue shotgun while on duty. Specifications for the shotgun are:

1. Type: slide-action or semiautomatic shotgun.
2. Gauge: 12 gauge.
3. Barrel Length: 14-20 inches.
4. Magazine Capacity: 4 to 8 rounds.
5. Stocks: Natural or synthetic material, dark or subdued color.

C. Special Weapons

Special weapons and devices include all firearms and instruments capable of producing lethal force which do not meet the above defined specifications. Special weapons that are available for use by officers include both weapons owned by the department and privately owned weapons. The carrying and/or use of any issued special weapons are restricted to members of the Critical Response Team and are regulated by instructions defined in General Order 89-1 CRT Operations/Command Structure.

D. Personally Owned Firearms

Officers may elect to carry personally owned firearms in addition to their departmentally issued firearms while on duty. Personally owned weapons used in the line of duty will meet similar specifications to those issued by the department.

E. Impact Weapons

1. Issued Straight Baton/Expandable Baton

The standard issue short baton is a handheld device that is typically no more than 26" in length and 1.5" in diameter being made of wood, composite material, or metal.

3. Personally Owned Impact Weapons

Officers may elect to carry additional personally owned impact weapons on duty. Personally owned impact weapons used in the line of duty will meet specifications as approved by the Chief of Police.

uty.

- B. Officers will carry issued 12 gauge Winchester or Federal 00 buckshot or one-ounce slug ammunition in shotguns used in the line of duty.
- C. Officers will carry 158 grain lead semi-wadcutter hollow point ammunition in ALL WEAPONS chambered for the .38 Special round used in the line of duty.
- D. Ammunition approved for use in personally owned pistols used in the line of duty include:
 1. .380ACP: Officers will carry ammunition containing a full metal jacket or jacketed hollow point bullet weighing from 80 to 100 grains in all .380ACP pistols used in the line of duty.
 2. .357 Magnum: Officers will carry Federal 125 grain jacketed hollow point ammunition or the approved .38 Special ammunition in weapons chambered for the .357 Magnum round used in the line of duty.
 3. 9mm NATO: Officers will carry ammunition containing a jacketed hollow point bullet weighing from 115 to 147 grains in ALL WEAPONS chambered for the 9mm NATO round used in the line of duty.
 4. .40 S&W: Officers will carry ammunition containing a jacketed hollow point bullet weighing from 135 to 180 grains in ALL WEAPONS chambered for the .40 S&W round used in the line of duty.
 5. The Chief of Police may approve additional ammunition chamberings on an individual basis as needed.

1.5.3 Low Lethality Munitions

Officers completing approved training and carrying a 12 gauge shotgun in the line of duty may be issued less lethal munitions containing wood, rubber, or "bean bag" projectiles. These munitions will be issued and deployed according to the guidelines found in General Order 2-2 Low Lethality Munitions.

1.5.4 Special Purpose Ammunition

- A. In order to enhance the safety of officers and their families, all firearms issued/approved for use in the line of duty shall be properly secured when outside the officer's immediate reach or control.
- B. Firearms carried in the line of duty may be secured by the proper use of an issued trigger/cable lock or by being locked in a departmental vehicle. If an officer wishes to secure an issued/approved firearm in a manner other than that described above (e.g., by being locked in a commercially produced gun safe/vault/cabinet/chest, etc.), the officer must first receive the written approval of the Chief of Police.
- C. The Cookeville Police Department will be responsible for issuing properly functioning trigger/cable locks to each commissioned/sworn officer of the department for each issued firearm. At the time of issue, officers will receive instruction in the safe and effective use of any devices issued. The departmental armorer or designee will be responsible for the issuance and inspection of all trigger/cable locks.
- D. It is the responsibility of each individual officer to use these safety devices in a manner consistent with this general order. Any trigger/cable lock found to be defective shall be returned immediately to the departmental armorer for prompt replacement.
- E. It shall be the responsibility of each officer to provide adequate security for personally owned firearms approved for use in the line of duty.

August 2002

CORE CURRICULUM 2002

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday																																																																																					
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TITLE: OFFICER SURVIVAL II
TARGET GROUP: IN-SERVICE PERSONNEL
TIME ALLOTTED: FOUR (4) HOURS
INSTRUCTOR: SGT. KEN SIRCY
METHOD OF INSTRUCTION: LECTURE, DEMONSTRATION, and PRACTICAL APPLICATION
DATE: MAY 2002

Y900

STATEMENT OF GOAL AND OBJECTIVES

INSTRUCTIONAL GOAL:

Through lecture, class discussion, and demonstration; this course will familiarize officers with the situations that are statistically most likely to lead to officer assaults and/or murders in the line of duty. The systematic analysis of annually compiled statistics will show officers typically preventable repeated tactical failures and potentially corrective actions and decisions that officers can take in similar situations.

INSTRUCTIONAL OBJECTIVES:

Following this course of instruction, the student will:

Recognize that eyewitness accounts can be misleading.

Acknowledge that vehicle searches should be conducted when back-up is present.

Show that they must keep their guard up, even when they have the "lone suspect" contained.

Discuss a safe approach to opening a vehicle trunk after a high-risk stop.

Recognize a number of issues present in the high risk/felony stop.

Identify the basic procedures used in high-risk stops.

Utilize the public address system successfully in a high risk/felony stop.

- b. Eyewitness
 - c. Video footage from dash camera
 - d. All of the above are correct answers.
 - e. None of the above are correct answers.
2. As the suspect moves back according to the directions of the officer during a felony stop, the officer should no longer use the public address system:
- a. when the suspect can hear the commands without the public address
 - b. after the suspect is handcuffed
 - c. after the suspect is placed in the cruiser
 - d. none of the above
3. What part of the body is most commonly missed when a male officer searches a male suspect?
- a. Waistline
 - b. Groin
 - c. Neck/collar
 - d. Ankles
4. Only people placed under arrest can be placed in handcuffs.
- a. True
 - b. False
5. What legal justification is necessary for an officer to initiate a citizen contact?
- a. Probable cause
 - b. Reasonable suspicion
 - c. Mere suspicion
 - d. All of the above are correct answers.
 - e. None of the above are correct answers.

COURSE MATERIALS

ITEMS:

Television and VCR, overhead projector, red guns/knife

VISUALS:

Videotapes, transparencies

HANDOUTS:

None

OUTLINE OF INSTRUCTION

I. STATISTICAL REVIEW (continued from last session)

A study of the circumstances under which officers are killed and assaulted EACH YEAR reveals the same repeated trends. Cover findings of U.S. Dept. of Justice Killed in the Line of Duty and the subsequent In the Line of Fire: Violence Against Law Enforcement

A. Control of Persons and/or Situations

1. Justification needed for citizen contact
2. Terry Stops/pat down procedures
3. Most common area missed during searches
4. Arrest not necessary for cuffs

B. Traffic Stops

1. Policy guidance provided in 31-1
2. Unknown Risk stop considerations
 - a. call it in FIRST
 - b. use PA to direct driver to safe location
 - c. offset patrol car
 - d. screen on light (even in daylight)
 - e. look in mirror BEFORE opening door/exiting
 - f. driver's side approach recommended
 - g. consider passenger side approach
 - 1) away from traffic
 - 2) unexpected/better view of occupants
 - 3) easier for driver to shoot if seen
3. Known Risk stops

II. SPECIFIC CASE STUDIES

The following violent incidents give officers a chance to analyze those things officers did to help or hurt their chances of survival.

A. "Jack-In-The-Box"

1. The Situation

Even veteran police officers say they've never experienced anything like that which members of the

Livonia (MI) Police Department did in December 1995. After receiving an armed robbery call from a gas station clerk, several officers positioned themselves in key areas to attempt to intercept the get-a-way vehicle, which was described as a red Eagle Talon driven by a 6'5" black female. When Officer Gregory Yon spotted a red Dodge Intrepid with a partial license plate match traveling down I-96, he fell in behind the automobile. It was being driven by a tall, black male; Yon thought this individual may have used a wig if he, indeed, had been the perpetrator of the robbery. Yon followed the car for three miles or so while awaiting backup and calling in the license plate number. When the motorist pulled to the side of the road before the officer had turned on his lights and siren, Officer Yon became even more suspicious. As back-up arrived, Yon ordered the driver out of the car and patted him down, then secured the suspect in his patrol car. Backup Officer Thomas Goralski began a search of the vehicle and spotted a woman's purse on the passenger-side floorboard. Yon's theory that the man may have committed the robbery dressed as a woman seemed even more likely at this point, and the officers believed the purse may have been part of the disguise. However, when Goralski continued the search in the vehicle's trunk, he was startled and amazed to see a pair of eyes staring back at him! He instinctively slammed down the trunk and jumped back, while verbally warning his fellow officers. Goralski quickly drew his weapon and reopened the trunk, then pulled the subject out. It was a black female, and she had a loaded and cocked 9mm Smith and Wesson in her right hand. She dropped it when she realized the officer was pointing his weapon at her. The man and woman were arrested on the spot and charged with the gas station robbery. This incident powerfully underscores the need for officers to be extra-cautious during vehicle searches, and especially when opening trunks. The perpetrators both admitted their guilt in the robbery. As it turned out, the gas station clerk had meant to describe the robber as a 5'6" black female, not 6'5" black female. She had also made an incorrect identification of the make and model of the suspect vehicle, due, of course, to her nervousness. The incident also emphasizes the importance of getting the best possible suspect and vehicle descriptions and realizing that, all too often, the public is off-base

in these descriptions. It is a distinct tribute to Officer Yon and the Livonia Police Department that they were able to pick out the Dodge Intrepid based on the clerk's mistaken description and on a partial license plate match. A final note: There was no audio on the tape because, in the "heat of the moment," Officer Yon forgot to turn on his microphone.

2. Epilog

The woman admitted doing the armed robbery. It was her first offense. She was to be sentenced one-to-three years for her crime. An additional two years for the felony offense of using a gun was plea-bargained out. The man, apparently a boyfriend, had a prior conviction for a sexual offense. He has not yet been sentenced. It was never determined just when or exactly how the woman got into the trunk. The Livonia Police Department standard issue sidearm is the Sig Sauer 226. All officers wear the Second Chance soft body armor, which the department supplies. All three shifts at the department were shown the video on three separate occasions for reinforcement.

3. "Jack-In-The-Box" Turned Deadly

When Sgt. Tim Simenson of the Crest Hill (IL) Police Department opened the trunk of an armed-robbery suspect vehicle, the last thing he expected to find was an accomplice hidden inside. There was, and, unfortunately, it was a lethal encounter for the veteran officer, who was shot twice, point-blank, at close range, and killed. This supplementary story drives home a most-compelling point: The unexpected can and does happen instantaneously and fatally. It is a brief yet powerful segment, ideal for roll call or any in-service or academy training.

4. Lessons Learned

- a. Train for the Unexpected. It can occur anywhere at anytime.
- b. Act Rather than React. For example, Officer Goralski's instantly closed the trunk after

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- d. Watch Positioning Carefully.
 - e. Do All Stops by the Book.
 - f. Always Cover Each Other's Tracks. More than one officer should go through the vehicle with a fine-tooth comb, to be sure nothing is overlooked.
 - g. The Unexpected does Happen. Goralski had never experienced or even heard of an incident where a perpetrator had been hidden in a trunk. "Now that it's happened," he says, "anytime I search a vehicle, I'll be extra cautious..."

B. Idaho High-Risk Stop

1. Synopsis

This program is a follow-up to last month's program in which a young Idaho Deputy Sheriff was struck by a drunken teenage motorist. Deputy John Lunde had made a traffic stop, a possible D.U.I. driver, and felt uncomfortable standing on the edge of a narrow, shoulder-less rural highway. So, while the motorist searched for his paperwork, Deputy Lunde decided to go back to his cruiser. Just in front of his vehicle, Deputy Lunde "heard" an oncoming motorist and his antennae immediately went up. The oncoming vehicle's mirror struck the mirror and the front tire of Deputy Lunde's cruiser and knocked his vehicle forward. When the cruiser jolted forward, it threw Lunde into the ditch where he landed on and injured his shoulder. With a major adrenaline rush kicked in, Lunde ran to his patrol car and pursued the motorist.

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derail some of the basics. He could observe that the passenger had her head in her hands. He could not see the driver's hands. That's when he drew his weapon and asked both to show their hands. Lunde spoke to the driver and told him he had hit his vehicle and asked him to step out of his truck. Lunde directed the motorist to the rear of the truck. He refused assistance from another officer. He asked the driver to take his hands out of his pockets and asked if he had been drinking.

3. The Field Sobriety Test

Deputy Lunde did not let any of the other officers help conduct the field sobriety test. He admits that he took the D.U.I. stop personally. He wanted to make sure the tests were done properly so that if there were any problems there would be no one else to blame but himself. He also considered this a part of his duties as a member of the drunk driving task force.

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4. Stepping Into Subject's Area Of Control

When Deputy Lunde was asked if he was aware that he stepped into the subject's area of control, he stated that he was aware that he did it later but not immediately. Deputy Lunde told the driver to take his hands out of his pockets. This was an eerie reminder of Trooper Mark Coates ordering Richard Blackburn to take his hands out of his pockets (Vol. 1, Program 4). Deputy Lunde asked the driver if he had any weapons. He told the suspect he was slurring his words. He saw the bulge in the driver's sweater pocket. He noted the beverage container sticking out. He removed the container of beer from the pocket.

5. Tactical Disadvantage

Deputy Lunde did not conduct the search of the suspect until after he was arrested and handcuffed following the field sobriety test. He did not place the suspect at a tactical disadvantage. Deputy Lunde admits he did not concentrate on conducting a proper search procedure.

6. Contact And Cover

He also admits that contact and cover procedures were virtually absent. He was in the subject's area of control. He now believes the cover officers should have been standing closer to him during the procedures.

7. Oncoming Traffic

Deputy Lunde states that little thought was given to what brought this incident on...on-coming traffic. He feels a lot of officers get desensitized to vehicular traffic. In this case, they just didn't concentrate on it.

8. Safer Location

When asked if he considered a safer place to go for the stop, Deputy Lunde responded that there was no safer place to go for the stop in proximity to the location the motorist was pulled over. Once the field sobriety test was given, the 18 year old suspect

failed all tests....but, made a big score on the breathalyser (.18) ... nine times over the legal limit for juvenile intoxication in Idaho. Deputy Lunde could clearly observe that the motorist was intoxicated. He noted his eyes and slurred speech. He did not make a final determination, however, until after the field sobriety test. Meanwhile, there was the matter of the female passenger with the inebriated motorist. Deputy Lunde states that he was completely aware of her. She obeyed his verbal commands. Another officer made contact with her. Deputy Lunde faced the suspect's vehicle rather than his cruiser at all times. Although this stop turned out to be a D.U.I. as Deputy Lunde first believed, it could have been something far more dangerous. There were loaded weapons aboard as is the case with many drivers in Northern Idaho. Two concealed guns were found in the back portion of the vehicle. Deputy Lunde notes that approximately 90% of the population is armed in Bonner County. High powered weapons such as assault rifles are common. The area has drawn lots of constitutionalists and militia members.

9. Epilog

The 18 year old youth was driving a 1994 Nissan pickup which was traveling between 55-60 m.p.h. when it struck Deputy Lunde's cruiser. The driver had four previous alcohol violations and was charged with drunken driving, felony leaving the scene of an accident and eluding, a minor in possession of alcohol, and possession of firearms. Deputy Lunde's injuries were not serious. He had some stretched ligaments but, otherwise, was not seriously injured. Deputy Lunde continues to help patrol Bonner County's 1,800 square miles of mostly rural Northern Idaho. The Bonner County Sheriff's Department has 16 full-time road deputies.

10. Lessons Learned

- a. Passenger Side Approaches - Deputy Lunde makes more passenger side approaches now than he used to. He also prefers for the driver to come out of the car.
- b. Getting Too Close - Deputy Lunde now feels he should have withdrawn from the situation and let

felony car stops. He made the following observations concerning the procedures used:

- a. Make sure the voice commands are clear and concise. This has high tactical importance.
- b. Always place the subject at a tactical disadvantage.
- c. Utilize speed cuffing.
- d. Bring the subject back through verbal commands and then conduct the search.
- e. Take time to double-lock the handcuffs.
- f. There may be more than one subject, so make sure you have extra handcuffs.
- g. When the subject is out of the vehicle, the officer needs to remember the trunk. It has to be clear.
- h. If at all possible, subjects should be kept separate. Place them in different vehicles, if possible. If they are in different vehicles, they cannot communicate and they cannot assist one another.

- i. When subjects are brought back through verbal commands, remember time is on your side. Remember the rule of "one more". There can be more than one subject. The same applies to searching ... there can be more than one weapon.
- j. Every officer needs to know his or her role before the stop. Officers should know if they are to assume the contact or cover role. Officers must talk to one another.

12. Distance Between Vehicles

The distance between the police and suspect vehicles should be 35-40 feet in a high-risk felony vehicle stop. The distance in an 'unknown risk' stop should be 25'. The greater the perceived threat, the more distance and cover is needed. Also, the distance between the two police vehicles is important. The reference point should be enough room between the open contact officer's door and the passenger door of the cover car, to comfortably move the prisoner to the back of the car between the two doors. Also, such flanking of the vehicles will literally 'divide' the suspects' firepower in half if they shoot.

13. Emergency Lights Activated

All the police vehicles' emergency lights should be activated (even in the day). This includes spotlights, takedown lights, wig wags, high beams overriding wig wags at night, rotators, front flashers, dash blasters, grill lights, strobes, etc. Such activation of all equipment represents and further establishes authority and control.

14. First Suspect In Cover Car

The first suspect is always placed in the cover car, providing the cover officer maximum time to operate with minimal distractions.

15. Sideways Positioning Purposeful

The 'sideways' positioning of the third vehicle was purposeful; it served as a barricade (protection) to the two primary vehicles involved in the operation.

As the suspects move back to the officer's voice, the officer should no longer use the p.a. (when the suspect can hear the commands without the public address). There's no need to give the remaining suspects in the vehicle the advantage of having prior knowledge of our tactics.

17. Opening Trunk

Opening the trunk by the suspect WAS NOT a means of clearing it. It was simply to determine if there was anyone inside readily noticeable -- not somebody who had taken measures to conceal themselves (under a blanket, prone against the rearmost portion of the car, etc.). It was just a 'pre-clearing' precautionary measure for anyone who may be obvious. Officers then ordered the trunk closed by the suspect -- so the visual of the interior of the car could continue to be maintained. Later, the trunk would still need to be tactically cleared.

III. HIGH-RISK STOP DEMONSTRATION

Members of the class will then use red guns to carry out a known risk stop with other class members acting as suspects. Particular emphasis will be placed upon effective use of the public address system to deliver clear commands, vehicle preparation for clearing, suspect searches, and clearing the vehicle.

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Street Work: The Way to Police Officer Safety and Survival,
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Idaho High-Risk Stop, Volume 3 Program 10 video, In the Line
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Cookeville Police Department General Orders Manual

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FELONY STOP 01-01-2003

JANUARY 2, 2003

PRESENT: Detective Sergeant Bill Bowman
OFFICER: Donna Revis
OFFICER: Mead A. McWhorter
PRESENT: Sergeant Bruce Lamb
PLACE: Cookeville Police Department

January 2, 2003. Present is Donna Revis and Bill Bowman in regard to a complaint filed against Eric Hall. The incident happened on January 1st, approximately 11:17 A.M.

Female voice: (inaudible).

Bowman: OK, Donna. Basically what they gave me this morning was a complaint sheet.

Revis: Ah, huh.

Bowman: Which actually had nothing on it to tell me what's really going on, other than a dog was killed. Where did it take place at? Where was the stop?

Revis: On I-40, just east of Jefferson.

Bowman: OK, and I understand that a trooper had made the stop?

Revis: That is what I got over the radio. I never actually stepped out of the car at the scene.

Bowman: OK. What kind of car was stopped?

Revis: I have no idea.

Bowman: OK. Do you know who was at the scene?

Revis: I heard on the radio. I heard Officer McWhorter check up. I heard Sergeant Lamb and Eric Hall and there were two trooper cars, but I don't know who they were.

Bowman: Was it a felony stop?

Revis: What they gave on the radio was, yes. They were. The THP was requesting officers to help them with a felony stop.

Bowman: OK. And, where did you enter the interstate at?

Revis: I actually came up 111, came westbound, turned around at I-40 and came back up behind them.

Bowman: What did you see when you drove up?

Revis: When I pulled up, Sergeant Lamb was directing traffic at the edge of the road, trying to get cars on the outside lane. Um, I pulled up, asked Sergeant Lamb if they had any need for a canine (in reference to my dog). He hollered and ask, I think it was Eric Hall, that was standing next to his patrol car. They said no. I got dispatched to an alarm, so I left the scene. I never existed my vehicle at the scene.

Bowman: OK. What did you hear on the radio?

Revis: (inaudible) on the radio was THP was requesting a unit (um) to help them with a felony stop. I heard Officer McWhorter check out on the scene first, that he was close, that he was out with them; standing by. I guess they were making stops. Eric arrived shortly after and I heard another officer, and I can't remember who it was say that Sergeant Lamb was on the scene as well. So, when I heard that the three of them was out there. I just rode, I didn't (inaudible) through traffic because I was quite a ways away. I was at (uh), Dry Valley road when the called actually came out, so I just took my time, drove over, pulled up and they said they didn't need me, so I left.

Bowman: OK. What was in your mind when you drove up?

Revis: That it had been a felony stop. I didn't know if they needed maybe a car search, or a drug dog, or whatever. So...

Bowman: OK. But in your mind it was a felony stop?

Revis: Yes, that's what I heard on the radio. That's what came out that THP needed assistance for a felony stop.

Bowman: And that's why you approached it?

Revis: (No, verbal response).

Bowman: OK. Any comments about anything else that you may have seen, noticed or heard?

Revis: No. I wasn't there long enough. I didn't talk to anybody except for Sergeant Lamb.

Bowman: OK. We'll terminate the interview.

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FELONY STOP 01/02/2003 (cont)

INTERVIEW: 01/02/2003
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RECORDING IN REGARDS TO AN INTERNAL AFFAIRS INVESTIGATION IN
THE SHOOTING OF A CANINE BY ERIC HALL.

Bowman: Guess it would be basically what happened. The only thing that I've got on this (inaudible) complaint filed.

McWhorter: OK. Basically what happened was I was on Jefferson and I-40 and they dispatched (inaudible) to a (uh), to assist THP on a felony stop. And I let them know that I was close and that I could be in route also. Eighty-two was a bit further away, and you know, being something of that nature I thought it would be best to get there, you know, as soon as possible.

I pulled up on the entrance ramp to I-40 and the 287. I was sitting to the side of the road whenever THP came by and they pulled out at the vehicle that was in question. You could hear eight-two asking on the radio what it was involved and he was trying to find out, you know, what the felony stop was for; whether they shot officers or, you know, or whether. . . .

Bowman: Had they made the stop at that time or were they . . .

McWhorter: No, they were waiting for backup and I think he saw me and another THP officer coming up on the (uh). The THP officer, I think that maybe it was a Lieutenant, pulled up beside me there; and that is when he initiated the stop. I pulled in there and I got behind them because I couldn't get my car off any more to the right and being it was an interstate the median wasn't very wide.

Bowman: And the vehicle was?

McWhorter: The vehicle was, I believe it was a Taurus station wagon or a Sable station wagon A green in color. But (ah) pulling off to the side, behind, I kept my lights out, so I didn't silhouette the officers who were in front of me, attempting to stop. And I grabbed my patrol rifle and I went to the passenger side door jam (uh), Trooper Bush's unit and I opened up his door and I got in there for some cover and I provided cover for him while he was pulling the subjects from the vehicle.

FELONY STOP 01/02/2003

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McWhorter: Whenever the THP officers went to go forward, they went forward above their lights in order to (ah), cuff the subjects. Officer (inaudible) come up to my right side, at the time of the stop, and he was also trying to use some cover with the door of the car. And (uh), I told Officer Hall they were, the THP officers were going to be directly in my line of fire and we didn't want, you know, to put them in harms way. So, we (ah), flanked out to the right in order to keep sight on the vehicle thinking there may be another person in the vehicle, who didn't come out of the vehicle. And (uh), as we got around there, you could tell that one of the THP officers was looking for cuffs; so I (inaudible) my cuff case and handled him my cuffs and he went up to cuff, what turned out to be the last subject in the vehicle.

Bowman: How many were in the vehicle?

McWhorter: Three. I believe there was a couple of dogs. I couldn't (ah), I could see a little dog at the time, kind of on the seat, or something, looking at us. Ah, but I didn't see the big dog that came out of the door. But, we were, like I said, flanked around to the right when the THP officer was cuffing the last subject. And the dog exited out of the passenger's side of the vehicle. It turned around and it was kind of looking at all of us and then it was like it almost just locked it's attention on to Officer Hall.

And Officer Hall, as the dog was approaching fast, Officer Hall started yelling, "get back, get back" and backing up away from the dog, you know, trying to give it some room and I felt like; for it to get out of the way.

And (uh), I was surprised the people didn't call the dog back, or call it by its' name or anything. And (uh), they just kind of got hysterical, you know, "don't shoot my dog!" And Officer Hall shot the dog at the point that the dog would have, was, you know, ready to bite him. At the time, it was, the muzzle of the shotgun was, it looked like probably maybe two to four inches from the dog whenever he actually shot him. But once he stopped the threat of the dog, I turned and focused my attention back and I resumed cover on the (ah), on the vehicle and all the suspects involved.

They pulled them back and then I assisted a THP officer and cleared the vehicle. And (uh), after that I stayed on the scene until (ah), the THP officer released the people and released the scene.

FELONY STOP: 01/01/2003 (cont)

INTERVIEW: 01/02/2003
Bill Bowman and
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Bowman: OK. No one was arrested (inaudible)?

McWhorter: No.

Bowman: Was it male, female?

McWhorter: There were two males and one female.

Bowman: Their approximate ages?

McWhorter: Uh, one of the males was probably thirty-eight to forty. And the other one was probably, was a tall, probably a juvenile, fifteen to eighteen, maybe?

Bowman: Female?

McWhorter: The female. She appeared to be about the male's age, maybe.

Bowman: The dog exited out of the passenger's side?

McWhorter: Uh, um.

Bowman: Eric was yelling at the dog? The other people made no effort. . . .

McWhorter: No (inaudible) dog off or anything. Ah, they were just yelling, "don't shoot my dog!" And, uh, said, uh. Officer Hall, he was walking backwards. You know, you could tell he was doing everything. You know. I actually swung and pointed to the dog whenever I saw it because I knew it was a threat and I was going to shoot him, if, if (ah), if he intended to bite me. You know, but once he was locked in on Officer Hall, Officer Hall was moving back from him and (ah), the dog was, basically at his feet whenever he shot him. He wasn't going to get (inaudible) with me.

Bowman: At any time, did you heard anybody yell, "close the door!" Close the door!"

McWhorter: Yes, I did. I heard the lady say close the doors, but I don't think that she understood that we couldn't close the doors being it was a felony stop of a vehicle. I had to be cleared. I don't think that she understood that (inaudible) doors closed.

FELONY STOP: 01/01/2003 (cont)

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Bowman: (inaudible).

McWhorter: I saw the little dog. I saw the little dog in the back and I figured what it was, but I hadn't seen the big dog yet.

Bowman: OK. Why was THP making the stop?

McWhorter: Ah, they were making it because they had been given the bolo from Nashville that the suspects were involved in a robbery, from my understanding. As it turned out the suspects were not involved in a robbery and I'm really not sure right now as to (ah), why it was boloed that way to THP. I don't know why their information was what they got. But I thought the officers on the scene were doing their job and (ah), were doing what they could to the best of their ability.

Bowman: Based on your training and knowledge in law enforcement and a knowledge that this was a felony stop, were things conducted properly.

McWhorter: Yes, I do. I think that it was, their, a couple of methods for a felony stop. You know, pretty much textbook as far as, you know, the fact that cover was provided during the whole ordeal, and (ah), you know the (ah), I felt like procedure was followed, as far as, not closing the doors on the vehicle, you know, you do those things in order to leave it open; so you have visibility inside the vehicle whenever you're going to clear it.

You know, they know the most dangerous part of that felony stop is the actual clearing of the vehicle at the end of it. And that's where, you know, you don't have any cover and you pretty much go to (ah), to make sure the vehicle is empty. And, so, you know, that being one of the most dangerous parts of it, I felt like, they had to leave the doors open.

Bowman: And the canine came out of the vehicle. The felony stop was still in progress.

McWhorter: Yes, it was. Very much in progress.

Bowman: Eric would have been on the south side of the vehicle?

McWhorter: Right. Right.

FELONY STOP: 01/01/2003 (cont)

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Bowman: OK.

McWhorter: He was just south of me.

Bowman: And the dog came out, looked around and targeted Eric?

McWhorter: Right. You saw the dog focus on Eric, you know, I mean, it just kind of locked in and was coming at him. You know.

Bowman: Eric saw the dog?

McWhorter: Right.

Bowman: And he hollered for it to get back.

McWhorter: Right. May two times, you know, two or three times.

Bowman: For the dog to get back?

McWhorter: It happened really fast with the dog.

Bowman: Did you see the dog go for Eric?

McWhorter: Yes. Yes. He was at the muzzle of Eric's. Eric still had his shotgun shouldered and the dog was at the muzzle and he was leaning down. It was to the last (inaudible) that you know, I felt like he could do anything about that. You know.

Bowman: From what you saw, from the movement of the canine and the position of Eric, did you have a feeling of fear?

McWhorter: Yes. Yes, I was worried the dog was going to bite Eric, and that's why I swung toward the dog in order to . . .

Bowman: If you had had the opportunity, would you have shot the dog?

McWhorter: Yes, I would have. In that situation, yes, I would have.

FELONY STOP: 01/01/2003 (cont)

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Bowman: That you felt that the dog, there was that much threat?

McWhorter: Yes.

Bowman: The dog to Eric?

McWhorter: Yes.

Bowman: OK. But you didn't respond because you didn't have a clear shot?

McWhorter: No, I didn't have a clear shot. Eric, it was, you know, such proximity to Eric that I didn't want to take the shot and the way Eric was backing up he had a better shot at the dog and he. . . .

Bowman: Did you have a shotgun or a rifle?

McWhorter: I had a rifle (inaudible).

Bowman: OK. Is there anything you want to add?

McWhorter: No, sir.

Bowman: OK. Who all was on the scene?

McWhorter: Officer Hall, myself, Trooper Bush and I believe three more troopers that I am not sure of their names. I don't know.

Bowman: Was Bush the initiating officer?

McWhorter: Bush was the initiating officer.

Bowman: Ah, he and another trooper came up about the same time (inaudible) vehicle?

McWhorter: As the troopers were going up, Officer Hall and I flanked to the right to go up and then afterwards (ah), after the dog was shot and (ah) the suspect were cuffed and pulled back away from the vehicle. I saw another trooper went up to clear the vehicle and I did go on the left side of the vehicle that time.

FELONY STOP: 01/01/2003 (cont)

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Bowman: What kind of a dog was it?

McWhorter: I believe it was a pit bull or a bull dog. Not sure, but it (ah) . . .

Bowman: Size wise is there anything to compare it to?

McWhorter: It was probably sixty-five or seventy-five pounds. It was a big dog.

McWhorter: Based on, it was big enough to bite you. You know what I mean. There's two thousand pounds per square inch in a dog bite, you know (inaudible). You know, I don't know that I would take the chance on it.

Bowman: Do you know whether it had a collar on it or not?

McWhorter: It did have a collar on it.

Bowman: What happened to the dog?

McWhorter: When the dog was shot, well, afterwards, whenever THP realized that, came to the conclusion that these people hadn't been involved in a robbery; they were released, they were starting to release the people and Officer Hall was going to attempt to put the dog in a bag and, you know, take care of it that way, not just leave it lying there. And, ah, the people didn't want him to do it. So, they said they wanted to do it, and they picked the dog up.

They were very dramatic and upset, you know, it's understandable they were upset, but we really did all we could do, you know, in order to (ah), perform the felony stop, you know, based on information that we had at the time; we were doing the best we could.

Bowman: What was the reaction after the shot was fired?

McWhorter: They were cussing and (ah), yelling at Officer Hall. We just basically, you know, the officers presumed back to the felony stop what we were having to do. You know, that threat was no longer a threat and we were looking for threats in the vehicle and that's why we continued the felony stop.

FELONY STOP: 01/01/2003 (cont)

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FELONY STOP: 01/01/2003 (cont)

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Bowman: You still did not know whether these people were involved in a robbery or not?

McWhorter: No. Not at that time.

Bowman: Ah. Go back to Eric shooting the dog. The people were aware that the dog was out?

McWhorter: Prior?

Bowman: Prior to Eric shooting the dog?

McWhorter: Oh, ya, they saw the dog coming around (ah), and you know, I followed the dog like I said (inaudible) Officer Hall.

Bowman: They made no effort to call the dog off?

McWhorter: They didn't call the dog off. They just said, "don't shoot my dog!" "Don't shoot my dog!" And you know, Eric just had no choice.

Bowman: Were they restrained to the point that they couldn't have done anything?

McWhorter: I believe the woman was cuffed. She's the one I remember saying that and (ah), and (ah), I'm not quite sure after that. I would have to review the video tape to see if the young male suspect was cuffed; but he was the last one to be cuffed.

Bowman: OK. Do you still have that tape in your car or have you taken it out?

McWhorter: Ah. I was behind. I still have the tape and, no, I have taken it out and I've turned it in.

Bowman: OK.

McWhorter: I don't think there's going to be much of anything on my tape. When I came up, my tape cuts on when I cut my lights on. And (ah), at the time, you know, when they came right by me; we pulled over and they initiated the stop immediately.

FELONY STOP: 01/01/2003 (cont)

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McWhorter: So, I got out and I knew that my job this time was to cover an officer and so, the THP was in front and they had a tape going. So, I basically just rolled down and grabbed my rifle and got up there as quickly as I could in order to back up the other officer.

Bowman: OK.

McWhorter: I never cut my lights on because I really didn't want to silhouette him.

Bowman: OK. So you wouldn't have been recording?

McWhorter: No. It wouldn't have made sense to have kept my. . .

Bowman: You don't have a recording?

McWhorter: Huh?

Bowman: You don't have a recording?

McWhorter: No.

Bowman: Because you can't have your lights, so it wouldn't silhouette the other officers.

McWhorter: Right. I never initiated my lights on.

Bowman: OK.

McWhorter: And, its not recorded. And a lot of times a recorder tends to interfere with each other, so (inaudible) initiating the recorder.

Bowman: OK. If you would, make a request to your supervisor to mark that tape, and (ah), so it won't be used again and it won't be erased.

McWhorter: OK.

Bowman: Do you have any other comments?

McWhorter: No. Just that, you know, that Officer Hall was put into a position that (ah), none of us like to be put in that position as far as having to shoot somebody's pet, but

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FELONY STOP: 01/01/2003 (cont)

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McWhorter: . . . he had to do what he had to do and . . .

Bowman: No doubt in your mind?

McWhorter: No doubt in my mind. I think that it is unfortunate, but there is no doubt in my mind that he did what he had to do.

Bowman: OK. That will terminate this interview. The time is 2:43 P.M.

JANUARY 2, 2003. The time is 2:58 P.M. Police Department. Sergeant Bruce Lamb and Detective Bill Bowman interview in regards to canine incident. It happened on January 1, 2003, involving Eric Hall.

Bowman: I guess start when you got to, first having knowledge

Lamb: We heard a call. Dispatch said that THP was requesting us to assist them on a felony stop. This would be at 286. I'm sorry 287. My understanding.

I was down there on Jefferson at the time, just fixing to get over to the scene. Officer McWhorter was, I heard him call and say that he was on the on-ramp of I-40 and Jefferson waiting. And as I approached I-40 I saw a THP unit go across Jefferson. Go eastbound to I-40 and evidently that was, had made the initial stop. I don't know who he was. OK?

Bowman: So evidently he was waiting for backup before he made the stop?

Lamb: Evidently.

Bowman: OK.

Lamb: Guess they were going, I don't know why they were. Maybe they (inaudible). They were just waiting for us to get into position to nap (inaudible).

So, Office McWhorter just fell in behind the trooper and they stopped. It seems like there was two troopers at first, and then several come right up there with them.

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Bill Bowman and

Bruce Lamb

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Lamb (cont): I pulled in behind Officer McWhorter. I, ah, let's see. Office Hall come right after I did and ah, and I think behind the cars trying to get the traffic to move into the inside lane, cause we had troopers; the cars were right there on the line. I suspect so no one would get hit. So, I was behind the cars, the police cars. Trying to get the traffic over.

Officer McWhorter and Officer Hall when he arrived went up there with their guns. I thought everything was under control and then I hear a shot ring out. So, I go up there and just look, I thought that maybe they shot one of the officers. I saw that they shot a dog and then I went back to where I was, ah, directing traffic.

Bowman: OK. Do you have a tape? Was it activated?

Lamb: Yea.

Bowman: I mean did it take?

Lamb: I can get that for you right now. As a matter of fact.

Bowman: OK. Ah. So you get a call, it is a felony stop. You and Mead were on Jefferson. Radios that he's on the ramp?

Lamb: Yea.

Bowman: Ah. You see a trooper go by on I-40 and you assume that this is the one that . . .

Lamb: Behind the car running and I'm not real sure. Well, he gets off the exit ramp. He goes across Jefferson. I assume, of, course, I had traffic in front me. He might have made a turn. I can't remember. I just remember seeing him going up the ramp and I was thinking that maybe he had come across, but he may not have. He might have turned there from Jefferson. So, I'm not sure on that.

And Officer Mead the one that made the initial stop and by the time I got up there, there was already a couple of troopers behind the car and Office McWhorter.

FELONY STOP: 01/01/2003

INTERVIEW: 01/02/2003
Bill Bowman and
Bruce Lamb
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Bowman: OK. Did you see how many people were in the other car? Did you see a male or female?

Lamb: I just see over the (inaudible) as I was trying to get the traffic over. Ah, you know I glanced up to watch and all.

Bowman: OK. So basically, ah, the things that were going on, basically out of your sight, your main focus was to get the traffic over in the inside lane away from the harms way.

Lamb: Right. Right. As a matter of fact on my video tape, I think I had my video tape on; so you would probably even be able to hear the call. Prior to the stop or anything. I think I had it on.

Bowman: Great (inaudible).

Lamb: I can get that tape.

Bowman: Anything you can think of to add?

Lamb: When I first heard the shot I looked and I seen the woman, her arms up and she started crying and jumping around. And, ah, I thought they might have shot the guy. I ran up there and there was just a dog there, so I just went on back.

Bowman: Did you ever hear anybody haller, "shut the door!" "Shut the door!"

Lamb: No.

Bowman: Don't shoot my dog or anything like that?

Lamb: But I couldn't hear what they were saying. Ah, when, ah, by the time I heard anything, the shot, I heard the woman yelling something. I could not make out what she was yelling. But, ah, but, part of that could be cause I was so far up; in back of them there, I couldn't hear.

Bowman: This will terminate the interview at 3:04 P.M.

COPY

Internal Affairs Investigation

Officer Eric Hall

Sgt. Boman This is January 2, 2003. Cookeville Police Department. Incident involving Officer Eric Hall, present. Interview with Detective Sergeant Bill Boman.

Sgt. Boman Okay, Eric, I guess basically what we need to do is to start from the first and tell me what happened.

Officer Hall Uh, got my report here. It was about, from the dispatch records I looked at, uh, 1714 hours. I was dispatched to assist THP with a felony stop on I-40 eastbound, South Jefferson exit

Sgt. Boman Okay, now, this was a request by THP, and they made it clear that it would be a felony stop?

Officer Hall Yes.

Sgt. Boman Okay.

Officer Hall That's what dispatch advised me. Uh, as I was enroute to that location I asked dispatch to, if they could advise me what felony had been committed. And, a description of the suspect vehicle.

Sgt. Boman Okay, and what felony did they tell you?

Officer Hall They were unable to come back with anything before I had arrived. They said they would call and check. They said we're checking right now or we're in the process or we'll check that for you. Something like that.

Sgt. Boman Okay.

(background noise) (radio noise)

Officer Hall Uh, and once, uh, I arrived, uh, on the scene I heard, uh, Officer McWhorter and Sergeant Lamb check out. I rolled up, uh, behind them. I, uh, grabbed my issued shotgun out of the rack, uh, approached, I could tell that THP was already in the process of getting the suspects out of the car on a felony stop, uh, and I went up the right hand side of the other vehicles that were there and took position beside Mead McWhorter, the lead THP car, to the right of it. Uh, and covered the suspects with long guns, uh, and let the THP do all the hands on stuff. Uh, while that was going on, uh, this, uh, dog jumps out of the car, the suspect car, and uh, I

believe it's a, uh, full grown pit bull . And I'm the officer furthest to the right and it circles around, and I see even Officer McWhorter kind of track the dog with his weapon and then come back up (unknown) and that dog's coming right at me. I mean it just singled me out – here it comes charging and growling, uh, definitely an aggressive posture and stance it was taking it come out and was trying to circle around me. I was having to pivot with the dog was trying to get around at me. And I yelled at the dog, and I yelled I know once real loud to get back. Scare it, something, get it, just get back off of me. And no effect at all. And it was trying to get round me. And it was probably 2 foot from the muzzle of my shotgun, uh, and trying to, to get at me, and I fired one time at the dog. Uh, (unknown) put the dog down. Uh, and then I resumed, uh, covering the suspects until THP was able to, uh, take control of the whole situation.

Sgt. Boman Are you familiar with pit bulls? Do they growl or...

Officer Hall Dogs in general growl.

Sgt. Boman When, when a pit bull is, is on the attack what mannerisms do they have?

Officer Hall Uh, as far as any aggressive dog, growling and wasn't trying to run away, not just run at me, but he was side stepping trying to get, come at me. Trying to circle me. Uh, uh, growling, kind of hunched down like he was going to spring up at me and so forth. Uh, definitely, I felt, uh, an aggressive stance postures it was taking and growling and was trying to definitely get at me. Uh...

Sgt. Boman Did you feel that the dog was stalking you?

Officer Hall Oh, yeah.

Sgt. Boman There was no doubt in your mind....

Officer Hall No doubt in my mind.

Sgt. Boman ...that the dog was stalking you.

Officer Hall He singled me out. And...

Sgt. Boman Okay. And your knowledge of pit bulls that they are extremely dangerous...

Officer Hall Yes.

Sgt. Boman ...they have uh, killed people before.

Officer Hall Yes, And, I've worked, uh, dog maulings. Uh, I know one in Nashville with a three year child uh, good chance it lost it's eye. The child. Uh, so yes, I know it's aggressive breed. I know that dogs can kill people.

Sgt. Boman And you were in fear of your life?

Officer Hall I was in fear, yes. I sure was. I was afraid it was going to chew me up.

Sgt. Boman Um. And possibly the safety of others.

Officer Hall Yes.

Sgt. Boman Okay.

Officer Hall The dog had definite chances at, anywhere else and did not do that.

Sgt. Boman At any time did anyone in the vehicle try to prevent the dog from attacking or call the dog back?

Officer Hall Not that I was aware of. I was focused in on the dog coming right at me. Uh, growling, (unknown) I could tell that it wasn't trying to run away. It singled me out. And, I was focusing on it and yelling, uh, at it trying to keep from getting attacked.

Sgt. Boman So the, the dog, had created enough apprehension that you had, uh, what we call tunnel vision. You had basically withdrawn from the scene per se until, because the threat was more to you...

Officer Hall Yes.

Sgt. Boman ...than the scene was. Is that correct?

Officer Hall Yes.

Sgt. Boman Okay. Uh, what happened after you, uh, fired at the dog?

Officer Hall Uh, (unknown) it immediately stopped the threat. Uh, and then I, uh, returned, in an attempt to uh, uh, cover the suspects. Uh, then THP finished handcuffing and so forth.

Sgt. Boman What was the reaction at the vehicle after firing on the dog? Are you aware of anything?

Officer Hall The reaction of the suspects that were being taken into custody?

Sgt. Boman Uh, huh,

Officer Hall Oh, yeah, they were obviously very upset. Hollering and so forth. Uh, just yelling and things like that about their dog.

Sgt. Boman Okay, but, uh, to your knowledge, prior to the shooting of the dog, no one tried to prevent the dog from coming out of the car. No one tried to call the dog back.

Officer Hall Not to my knowledge. No.

Sgt. Boman Okay. Uh, with your experience in felony stops. Once you have individuals secured outside and doors are still open on a vehicle, what is the procedure you use to clear the vehicle?

Officer Hall (unknown) once the subjects are all like in the back of the patrol cars, the officers will approach and someone has to physically look and clear that vehicle. Uh,

Sgt. Boman If any of the doors are open, do you leave them open or do you close them?

Officer Hall No, they remain open. Cause you have a better sense of, you know, visual, you can see in the vehicle better if the doors are open.

Sgt. Boman Okay. That is, that is part of your training...

Officer Hall Yes.

Sgt. Boman ... and your experience on felony stops?

Officer Hall Yes. It would be dangerous to approach and shut the door and then try to clear it. Cause if you are close enough to shut the door then you're close enough to be hurt by someone hiding in that vehicle.

Sgt. Boman Is there anything that you want to add that, uh, we haven't discussed?

Officer Hall No.

Sgt. Boman Okay. Who all was at the scene that you recall?

Officer Hall I can recall, of course, Officer McWhorter, uh, Sergeant Bruce Lamb, myself, uh, I recognized Trooper Bush and uh, one other trooper and one, uh, THP lieutenant that I don't, I've seen them before but don't know their names. Uh, so there was the six of us. And then later, uh, uh, CID, THP CID unit came, and, uh, Lieutenant Evans came.

Sgt. Boman Okay. Evans came after...

Officer Hall Yeah, after I'm not sure when he arrived. I, once everything was secure as I went to secure my weapon back in my vehicle I noticed his vehicle and talked with him.

Sgt. Boman To your knowledge, who all was notified about the incident?

Officer Hall From the scene, uh, I know that, uh, Lt. Evans was calling. Uh, I know Deputy Chief, and said he tried to call the captain and couldn't get through. For some reason, busy, or something like that. But he was in the process of notifying command staff.

Sgt. Boman Okay. Uh, you definitely know that he notified Deputy Chief?

Officer Hall Yes.

Sgt. Boman Okay. Was there any instructions?

Officer Hall Not to my knowledge. Nothing that instructed me to do anything.

Sgt. Boman Okay. Uh, have you filled, filled out the use of force?

Officer Hall Yeah. I have it right here in front of me.

Sgt. Boman Okay, okay.

Officer Hall And a report.

Sgt. Boman Okay.

(Unknown)

Sgt. Boman Okay. Basically, you were on patrol. THP notifies our dispatch. Was this car to car or station to station?

Officer Hall As far as...

Sgt. Boman As far as the notification goes?

Officer Hall I was just dispatched by our dispatchers. I didn't hear any other...

Sgt. Boman You didn't hear any other traffic.

Officer Hall No, I didn't hear like THP unit call for assistance. I was just dispatched directly from...

Sgt. Boman Okay. THP notified our department.

Officer Hall Somehow, yeah.

Sgt. Boman And our dispatchers notified, uh...

(Unknown)

Sgt. Boman ...that, uh, THP was, either had a felony stop or they were going to make a felony stop and they had requested backup.

Officer Hall Right. My understanding was that they were going to initiate a felony stop at that location and they needed backup.

Sgt. Boman Okay.

Officer Hall For the felony stop.

Sgt. Boman Let's see 286, 287.

Officer Hall Right. They said I-40 eastbound, South Jefferson.

Sgt. Boman Okay. Dispatch tells you it's felony stop. You don't know what type felony. You request.

Officer Hall I even requested it, yes.

Sgt. Boman Uh, dispatch doesn't know. Uh, we don't know why they don't know. Okay. You go to I-40 to assist THP. At what point did you find out what the felony stop was supposed to be?

Officer Hall Uh, it was after the incident was all over with. Uh, and, uh, then I was notified by, uh, the troopers there were talking and I had approached what did we have with it? Then I heard, I didn't hear any real particulars from them. I'm still curious how they got all the information and where it came from and it was, they said it was out of Davidson County. And I, I was assuming it was THP out of Davidson County informed them that. Trooper Bush had told me, uh, said something like well you know what I know as far as (unknown) felony stop this vehicle and so forth, so...

Sgt. Boman Okay. And, uh, your, your units recording device was activated?

Officer Hall When I had come out of the vehicle uh, uh, I, my vehicle is pointing down towards the woods, uh, several vehicles in a line, and I didn't turn mine on for fear that it would interfere with the other units that were there. I know

my unit, uh, and I know, uh, Ed's unit, Officer Fleming, used to be on the same frequency and if we would both show up it would scramble ours. You know, we could hear each other on traffic stops. I could listen to him (unknown) mine. Sometimes if there is multiple units, uh, they will, they will, the frequencies will mess up on each other. So, but I was close enough to Officer McWhorter's, they should have heard me yell at the dog. And, of course, my camera wouldn't have picked up anyway. We were four cars deep, uh, mine pointed toward the woods. Trooper Bush said, there on the scene, that his camera recorded everything. And they heard me holler and so forth.

Sgt. Boman The reason that you didn't activate your system was that, uh, prior knowledge that one system can interfere with the other system.

Officer Hall Sure.

Sgt. Boman Uh, could this also be because of, uh, silhouetting other officers with, uh, your blue lights...

Officer Hall Sure.

Sgt. Boman ...on your felony stops.

Officer Hall I just turned on my rears. I didn't want any other, you know, strobe effect to the other officers so I just turned on my rear lights so that I could oncoming traffic cause I'm the last one in the stack but I didn't want to throw my lights forward cause they wanted white lights forward so they could see cause that's a felony stop.

Sgt. Boman When the dog came toward you, did you back up?

Officer Hall I, uh, took a stance and turned, was pivoting with the dog sideways. It was coming around my right trying to.... It wasn't running away. There was a whole open field, woods, everything that it could have run down, uh, away from the interstate. And I was having to pivot with the dog as I yelled at it, uh, cause it was trying to, to come around me. Of course, I was on an embankment there, uh, and a car, a patrol car was kind of behind me somewhere. I didn't want to start trying to run backwards with a, you know, shotgun after this dog, and still afraid, too, that my area of responsibility was not being covered as well while I'm having to deal with this, you know, problem here. You know, I still don't know what's going on with the suspects now and so forth. If they would take that opportunity to make some kind of move or something like that. Uh, and I just had to rely on Officer McWhorter, you know, to have to have me covered, uh, as I was trying to deal with this threat imminent in front of me. So, I pivoted

around. I was trying to pivot with the dog, uh, but I didn't start backing up, no.

Sgt. Boman Okay, and to your knowledge, no one gave any notification that there was a dog in the vehicle or any indication that, uh, there might be a problem with the dog?

Officer Hall No, not at all.

Sgt. Boman Okay. Okay, that concludes the interview at this time. 3:49

COPY

Mr. Hall : 5/29/48

Here is a report of the
events of yesterday. I
truly admire your courage.
Now, I appreciate the
demanding job of a police
officer.

Thank you very much.

- Satish Mahajan.

Pen Oak incident

COOKEVILLE POLICE DEPARTMENT

NARRATIVE ATTACHMENT

10 East Broad Street
P.O. Box 849
Cookeville, TN 38503-0849

COPY

Phone: (615) 526-2125
Fax: (615) 528-9368
ORI: TN0710100

ORIGINAL COMPLAINT NUMBER 9805281921-23		CPD 301	VER 32	ENTRY BY
REPORTING OFFICER Eric Hall	UNIT # 682	BADGE # 252		

On Thursday (May 28 1998) evening around 7 p.m. while I was working in our frontyard, our neighbor's (residents of 882 Pen Oak dr.) yellowish white dog appeared behind me and attacked me without any provocation. Somehow I managed to escape a serious bite by continuously screaming 'Go away' at the dog and fearfully walking towards the front door of my house while the dog was chasing me and trying to bite. This was the fourth such incidence in which the same dog was involved either with me or my wife. After first incidence, I had talked to the gentleman in 882 Pen Oak dr. about leashing his dog in view of possible danger to others. His response was that it is a friendly dog and he would not harm anyone. After today's incidence, I wanted to talk to him again about the dog. Therefore, I drove upto his driveway and honked for ~2 minutes hoping someone would come out. Obviously I did not want to walk upto their door after being terrorized by the dog in my yard and still shivering from the incidence. No one came out of 882 Pen Oak dr.

On my way back, I talked to two neighbors who live in front of our house. They witnessed the attack and told me that the same dog chased them in their yards too. After that I tried to contact 'Steve's Lawn Service' for whom residents of 882 Pen Oak dr. appeared to work since there were two vehicles - parked in their driveway - on which the logo was visible. However, there was no response.

Afraid of similar encounters with the dog and in view of several small children in the neighborhood I called Cookeville police department. An officer (Mr. Eric Hall) came to our driveway in ~5 minutes. After

COOKEVILLE POLICE DEPARTMENT

NARRATIVE ATTACHMENT

10 East Broad Street
P.O. Box 849
Cookeville, TN 38503-0849

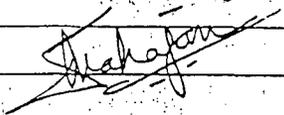
Phone: (615) 528-2125
Fax: (615) 528-9368
ORI: TN0710100

ORIGINAL COMPLAINT NUMBER			CPD 301	VER 3.2	ENTRY BY
REPORTING OFFICER	UNIT #	BADGE #			

describing the abovementioned encounters with the dog, the officer wanted to try and talk to the residents of 882 Pen Oak dr. The dog was now sitting on the yard of 882 Pen Oak dr. I cautioned the officer about the vicious, unpredictable and ferocious nature of the unleashed and uncollared dog and stayed behind. As soon as the officer took a few steps in the direction of neighbors front door, the dog came charging and barking at the officer. The officer was still ~15 feet inside our yard when he was forced to stop by the charging dog. The dog came within ~2 feet of the officer, took an attacking posture by lowering his neck and almost jumped on the officer. The officer then fired two quick shots of his handgun which made the dog run behind 882 Pen Oak dr. There is no doubt in my mind that the officer acted solely in self-defence and would have got hurt seriously if he had not acted quickly the way he did. There was absolutely no provocation to the dog by anybody. After the dog disappeared, officer called for more help. They all then tried to knock on the door of 882 Pen Oak dr. However, no one came out and eventually the officers gave up. Suspecting the dog was probably wounded, all the police officers spent at least two and a half hours looking for the dog but in vain. All this time, no one came either from outside or inside of 882 Pen Oak dr.

I understand the residents of 882 Pen Oak dr. have another big black dog and I sincerely hope they don't leave it unleashed for the safety of neighbors.

Thank you.
Sincerely,



May 28 1998

Dr. Satish M. Mahajan
886 Pen Oak dr.
Cookeville TN 38501

COOKEVILLE POLICE DEPARTMENT

NARRATIVE ATTACHMENT

10 East Broad Street
P.O. Box 849
Cookeville, TN 38503-0849

Phone: (615) 528-2125
Fax: (615) 528-9368
ORI: TN0710100

ORIGINAL COMPLAINT NUMBER

9805281921-23

REPORTING OFFICER

Witness/Statement

UNIT #

BADGE #

CPD 301

VER 3.2

ENTRY BY

I, Chris McCune, CPT, US Army, did on or about 1900 on 28 May 1998, witness the following:

My friend and I were in the driveway of house A. We saw Police Officer approach the property of house B from the direction of house C. As the officer approached the property of house B, a large dog appeared from the opposite end of the house. The dog growled. The officer attempted to approach the property, and the dog lunged at the officer coming within what appeared to be a couple (2) meters. The officer took a few steps back, drawing his weapons. The dog lunged and it appeared that the dog was going to attack the police officer. I was standing about 20 meters from what was going on. The officer was facing me and the dog's back was toward me. The dog growled as if it were going to jump and attack the officer. The officer fired two shots from his weapons. The dog turned and ran the same direction that he came from. The dog ran into the woods and the officer holstered his weapon and waited for his supervisor.

As the officer stepped back and drew his weapon he yelled to try to scare the dog, but that did not work.

Chris McCune
 811 Penn Oak Dr
 Cookeville TN 38501
 (931) 526-3014

ADDITIONAL COMMENTS

COOKEVILLE POLICE DEPARTMENT

NARRATIVE ATTACHMENT

10 East Broad Street
P.O. Box 849
Cookeville, TN 38503-0849

Phone: (615) 528-2125
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ORI: TN0710100

ORIGINAL COMPLAINT NUMBER 9805281921-23		
REPORTING OFFICER Witness/Statement	UNIT #	BAD#

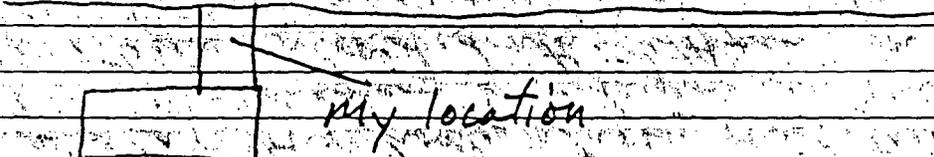
COPY

DRC T David Robert CHARPENTER on 28 May 19: approximately 1900 hours was working in the driveway at 881 Pen Oak Dr Cookeville, TN 38501. I observed an officer pull into the driveway across the street and one house to the North. House number 1 on the diagram on back. The dog located at the house across the street at house # 2 in the diagram was laying in the front yard. The officer moved south stopping on the North side of the property line. The dog moved from toward the officer stopping briefly on the driveway. I heard the officer speak something in a normal speaking tone at this time. The dog then moved quickly and in a very aggressive manner toward the officer. The dog was barking and growling. As the dog approached the officer he backed away and yelled stop and halt. The dog slowed his approach but was crouching, ^{DRC} barking and growling. The dog appeared as if it was going to attack. The officer at this time drew his weapon. With both hands on the weapon, the officer continued to back up and yell at the dog. At this time the dog moved closer and appeared ready to attack. The dog lunged within a few feet, ^{DRC} I would say 3-5 feet, and the officer fired two shots from his weapon. The dog then turned ^{DRC} ran back across the yard and ^{DRC} into the woods. ^{DRC} Nothing Follows ^{DRC} /1111

COPY

#2

#1



my location