



POLICE DEPARTMENT

CORNELIUS, NORTH CAROLINA

July 29, 2014

Report on Pursuit of July 12, 2014

A review of the pursuit on July 12, 2014 is complete and it was determined that officers involved were within policy guidelines in both initiating the pursuit and continuing the pursuit under the circumstances that developed. In our accreditation program under CALEA, the Commission on Accreditation for Law Enforcement Agencies, every pursuit is reviewed and evaluated for policy compliance as well as to find opportunities to improve training and response in the future.

It is the policy of CPD to pursue criminals when doing so can be done in reasonable safety. Reasonable safety is a term used to describe the totality of circumstances of a pursuit including, but not limited to, the authority to initiate, pursuit speeds, traffic congestion, road conditions, vehicle conditions, and the pursuing officer's skill and training. All of these elements have to be weighed continuously within a very short period of time, within the stressful environment characterized by a pursuit, and all while these elements are changing in intensity and importance.

Key Findings

Initiating the Pursuit

The justification for a pursuit is important. If an officer is stopping a vehicle for a misdemeanor moving violation and a pursuit develops, the justification for pursuit based on reasonableness would be less than, for example, if the suspect was wanted for armed robbery. Both could be justified depending on the circumstances but one obviously would weigh heavier than the other as described. In this pursuit, we had many outstanding warrants issued by various judges in courts of different jurisdictions as well as a warrant from out of state. In addition, the NC Department of Probation and Parole had issued an absconder notice for this individual. These warrants are unambiguous about their instructions to any officer coming in contact with the person. In North Carolina an arrest warrant states:

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below... You are DIRECTED (emphasis on the warrant itself) to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s)..”

While the Town of Cornelius and the policy of the police department allows for pursuits of any criminal misconduct within policy guidelines, this pursuit involved valid warrants for arrest that had been previously issued by other courts and signed by a judge. Justification for initiating the pursuit is clearly established.

Monitoring and Continuation of the Pursuit

Supervisory Actions

Our policy requires a continuous monitoring of a pursuit to evaluate the reasonable safety standard. Throughout this pursuit speeds, traffic density, and other factors were announced on the radio to all units. A supervisor, who was initially involved in the pursuit because he was the closest vehicle, properly disengaged from the pursuit and monitored radio activity. At one point after disengaging from the pursuit, the supervisor had to reengage briefly after one police vehicle was disabled due to a crash. As soon as another car caught up to the pursuit the supervisor again disengaged and remained in a monitoring role through the remainder of the pursuit. This is a critical requirement of policy to ensure a supervisor is controlling the pursuit.

Speed Monitoring

Speeds are a major factor in determining whether a pursuit should be continued, and this pursuit was relatively slow. In fact, during 16 of the 17 miles of pursuit the speeds were reported and verified to be very near the normal traveling speed of traffic on I-77. The average speed of this pursuit, including the final seconds where the suspect is believed to have accelerated, was 58.7 MPH over the course of 17 miles. The suspect's speed that did exceed normal traveling speed was below 80 mph for a brief period during light traffic conditions. At no time during the pursuit while officers were engaged did the suspect reach speeds that would be considered extreme for a police pursuit. Up until the seconds prior to the crash the speeds were, by pursuit standards, relatively slow and there were no actions, such as an attempted ramming or blocking maneuver by CPD that could be construed as to have caused the suspect to suddenly accelerate.

Maneuvers

This review also examined several maneuvers by the suspect that could be considered extreme and found none that would require a discontinuation of the pursuit under the conditions that existed at the time. It should be noted that any offender fleeing police is in and of itself an extreme act, but police must balance these extremities with the reasonable safety concerns within the context of the need, and in this case a directive, to apprehend the offender. While the suspect did make some maneuvers that were violations, including striking a police vehicle during a U-turn, crossing a median and just prior to the accident become erratic, there was no action deemed excessive enough to require a termination of the pursuit. The most extreme act was obviously the suspect's attempt to pass other vehicles in a no passing zone that resulted in the crash, and CPD officers had by that time elected to slow because of the increasing traffic congestion in the area of exit 25. At other times as noted the suspect's speeds were near normal and most of the pursuit occupied the right travel lane. By all accounts and evidence we have gathered the officers performed as well as they could have under the circumstances and there were no violations of policy that contributed to or was the cause of the crash. The suspect, by his own decision to flee and his disregard for safety in the final seconds of the pursuit, is responsible for the crash. Officers tried to mitigate that to the best degree they could and certainly met the reasonableness standard required of them.

Attempts to Terminate the Pursuit

There were three attempts to stop the pursuit prior to the accident. The first occurred at exit 33 when a Cornelius officer tried to pull in front of and block the suspect while he was traveling very slowly during a U-turn. The suspect struck the front of this police car, injuring the officer, and was able to push past. The next attempt occurred at exit 28 when a different Cornelius officer attempted to deploy a tire deflation device. The officer was unable to safely deploy the device because of other traffic ahead of the pursuit. The third attempt to terminate the pursuit was when a Trooper with the NC Highway Patrol attempted to deploy a tire deflation device at Exit 25. This attempt was also deemed too risky.

Communications during the Pursuit

Cornelius 911 personnel properly notified neighboring agencies that a pursuit was in progress when it seemed likely the pursuit would enter their jurisdiction. All agencies involved were very helpful and professional in their response both before and after the pursuit. These notifications were done through their respective 911 dispatch centers. This review did not find any communication or response problems with any other agency.

Training Review

This review examined the training of personnel on policy and pursuit driving. Within the past year every officer in the department has received training on our pursuit policy. We train on this policy at least twice in each calendar year. In addition, each of the officers directly involved in this pursuit had recently completed a hands-on driving class utilizing certified driving instructors and driving track facilities to simulate both pursuit and defensive driving conditions. This course covered both policy and practical driving skills.

Follow-up Items

As with all pursuits there are always lessons to be learned and adjustments that can be made. In this pursuit review we identified items for remedial training or discipline, to be determined by internal process, and one policy revision item. None of these issues were related to or contributed to the crash, but does justify some form of action.

Remedial or Disciplinary Actions

Two technical violations were observed that were not related to the decision to pursue or continue the pursuit. One involved an officer who failed to secure his seatbelt. This officer had been in foot pursuit prior to the suspect fleeing in a vehicle and as he jumped into his vehicle to continue the pursuit he forgot to buckle in. The second issue involved the failure to operate both blue lights and siren at the same time as required. These policy issues are technical violations of policy but non-contributing factors to the crash or the decision by the supervisor whether to allow the pursuit to continue.

Policy Revisions

All policies are reviewed annually, but this pursuit highlighted the need to separate pursuit policy from general vehicle operations. While all officers acted within the scope of policy while engaged in the pursuit, we feel we need to separate the pursuit policy to make it easier to navigate. Currently our guidelines on pursuits are contained within several sections of our vehicle operations policy throughout the document and it would be easier for new employees and the public to understand those policies as a single document. We will post any revisions to this policy on our website.

Conclusion

CPD sincerely regrets the actions of this individual that caused so many injuries and further will strive to continue to refine and seek ways to improve public safety when a pursuit does occur. We are reviewing new technologies that could help prevent these occurrences from escalating and will continue to do so. However, this review also highlighted the exceptional self-control, bravery, and professionalism of our officers and their willingness to put themselves at risk to apprehend this suspect. This review provides a 20/20 careful review of decisions that had to be made instantly and under intense pressure, and these officers did a remarkable job under those circumstances.

This review is closed but may be reopened at a later date if new or changing information justifies doing so. We will update and publish any future changes that are made.