



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

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.

Post-it® Fax Note	7671	Date	# of pages ▶ 2
To	GEORGE DAVIS (handwritten)	From	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	414-904-2123 (handwritten)	Fax #	



Internal Affairs Investigation

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.

COOKEVILLE POLICE DEPARTMENT

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

Phone: (931)526-2125
Fax: (931)528-9368
ORI: TNO710100

VER 3.2

INCIDENT REPORT

CPD 300

ORIGINAL ATTACHMENT SUPPLEMENT

ENTRY BY:

ORIGINAL COMPLAINT NUMBER 200301011714-33	CAD NUMBER 200300133	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

OCUR EARLIEST DATE/TIME 01/01/03 1714hrs	OCUR LATEST DATE/TIME	LOCATION NAME I-40 East Bound
LOCATION ADDRESS #	DIRECTION	STREET I-40
REPORTING OFFICER Eric Hall	BADGE # 252	Unit # 682
DETECTIVE	BADGE #	Unit #

CASE STATUS	1. Active - No Suspects	11. Adult Arrest - No Prop Invol	Was detective called? Y N X	Can suspect be described? Y N X
	2. Active - Suspects	12. Inactive		
13	3. Active - Missing Person	13. Closed/No Arrest/Prop Not Rec	Was affidavit signed? Y N X	Is suspect related to victim? Y N X
	4. Juv. Arrest - Prop Not Rec	14. Closed/No Arrest/Prop Part Rec	Was evidence collected? Y N X	Can suspect's vehicle be ID'd? Y N X
	5. Juv. Arrest - Prop Part Rec	15. Closed/No Arrest/Prop Rec	Was an arrest made? Y N X	Is stolen property traceable? Y N X
	6. Juv. Arrest - Prop Rec	16. Closed/No Arrest/No Prop Invol	Can suspect be named? Y N X	Is victim willing to prosecute? Y N X
	7. Juv. Arrest - No Prop Invol	17. Exceptionally Cleared - Adult	Can suspect be ID'd? Y N X	
	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		

METHODS OF OPERATION	TYPE OF PREMISES: Z	A Unknown	B. Apt / Condo.	C. Duplex / Townhouse	D. Motel / Hotel	E Single Dwelling
	POINT OF ENTRY: AA	F. Convenience	G. Drug / Medical	H. Entertain / Recreation	I. Financial Institutions	J. Gas Station
	METHOD OF ENTRY: A	K Grocery	L Industrial	M. Uqor Store	N. Construction Site	O. Office

METHOD OF DEPARTURE: A	A. Does Not Apply	B. Walk / Run	C. Motor Vehicle	D. Motorcycle	E Bicycle
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PROPERTY TYPE					UCR PROPERTY CLASS					
K-Safekeeping	D-Damaged	Z - Seized Vehicle	A Currency, Notes, Etc.	B Jewelry, Precious Metals	C. Clothing, Furs	D. Vehicles	L-Lost	E-Evidence	F - Found	S - Stolen
R - Recovered For Other Agency	I - Information		E Office Equip.	F. TV / Radio / Stereo / Camera / Etc.	G. Guns	H. Household Goods				

TYPE	CLASS	QTY.	BRAND	MODEL #	SERIAL #	SIZE, CALIBER, COLOR, DISC	\$ VALUE	NCIC # / ENTRY BY:
E	K	1				VHS Tape	\$10	

TAG #	STATE	TYPE	YEAR	VIN	NCIC #
YEAR	MAKE	MODEL	STYLE	COLOR	NCIC ENTRY DATE

ADDITIONAL VEHICLE DESCRIPTION

COOKEVILLE POLICE DEPARTMENT

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

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

INCIDENT REPORT

ORIGINAL ATTACHMENT SUPPLEMENT ENTR

COMPLAINT NUMBER 20030101171433	CAD NUMBER 200300133	REPORT DATE 01/01/03	ALCOHOL NO	DRUGS NO	DOMESTIC NO
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OFFENSE TYPE "DATA ENTRY ONLY"	OFFENSE CODE 99998	IBRS CODE 0	ZONE SE8
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EARLEST DATE TIM 01/01/03 1714	LATEST DATE TIM 01/01/03 1714	LOCATION NAME INTERSTATE
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LOC. ADDR #	DIR	STREET 140	INTERSECTION 287
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REPORTING OFFICER <i>Ptl. McWhorter</i>	BADGE # 272	UNIT # 632	SUPERVISOR <i>[Signature]</i>	BADGE # 154	UNIT 620	DATE 1/2/03
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DETECTIVE:	BADGE	UNIT #	ASSIGNED BY	BADGE	UNIT	DATE
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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	

JAN 3 7 12 AM '03
 931-526-2125
 931-528-9368

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. Hld 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-Selzed Vehicle	A. Currency,Notes,ETC	B. Jewelry,Precious Metals	C. Clothing, Furs	D. Vehicles
L-Lost	E-Evidence	F-Found	E. Office Equip.	F.TV/Radio/Stereo/Cameras	G. Guns	H. Household Goods
R-Recovered for Other Agency	I-Information	S-Stolen	I. Consummables	J. Livestock	K. Miscellaneous	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 RELEASED BY THE SENIOR TROOPER.