

CASE NO. 003-685-06-01

CASE SUMMARY

This person is multi-certified (peace officer 01-18-01; corrections officer 05-03-00). The officer was hired by the most recent agency on 10-06-00 and was terminated on 03-14-01 as a result of an incident in which the officer violated the following policies:

1. Involving him/herself in a law enforcement action outside his/her jurisdiction without authority.
- 2) Discharging a weapon without justification at a moving vehicle.
- 3) Carrying a back-up weapon without proper authorization.

On 03-10-01 at about 2:30 a.m., the officer observed two officers from another agency attempting to stop a fleeing traffic violator. The officers followed the violator into a parking lot and blocked the exit with one of their vehicles. As that officer got out of his vehicle, the violator accelerated towards the officer. The officer who is the subject of this investigation had parked his/her vehicle in the center turning lane of the highway and had exited his/her vehicle to assist the other officers. The subject officer drew his/her weapon upon seeing the violator headed towards the other officer. The violator was able to avoid hitting the officer but continued driving towards the subject officer. The subject officer fired two shots at the violator's left front tire. The violator traveled west on the highway, made a U-turn and continued east out of the subject officer's jurisdiction with all three officers in pursuit. The subject officer then told a supervisor by radio of the pursuit. The officer was called off the pursuit, he/she then contacted a higher level supervisor and informed him of the incident. The violator was apprehended by officers from another agency.

An investigator from the subject officer's agency interviewed the officer who stated he/she felt the lives of both him/herself and the other officer were endangered by the violator and therefore fired two shots at the tire. The investigator checked the officers duty weapon, a .40 caliber Glock, and magazines and found two rounds were missing.

The investigator went to the scene which was located just east of the limit of the agency's jurisdiction. He found three .40 caliber shell casings - two near where the officer had been standing and one about ten feet from his/her position. The tire at which the officer fired had fallen off of the vehicle, and it was examined for bullet holes. None were found. The violator was later interviewed, and he stated he saw one of the other officers, not the subject officer, fire a shot at him. He said he heard a total of three shots but never saw the patrol car or officer in the center lane.

There was no reference to a back-up weapon made in the investigator's report. In the officer's response to POST, he/she stated that he/she had placed the back-up weapon in his/her duty bag and forgotten it was there.

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There was no information indicating this weapon had been used in the incident.

The incident report filed by the officers from the other agency made no mention of the subject officer's presence at the scene.

The officer's statement is submitted as Attachment "A".

The officer is not currently employed in law enforcement.

DISCIPLINARY HISTORY

None Noted.

**Recommendation to Council:
pursuant to O.C.G.A. 35-8-7.1**

Council Action:

No Action

No Action

Bill Kicklighter

PCC Chairman

Date: February 15, 2002

J. Tyson Stephens

Council Chairman

Date: April 3, 2002