

DURHAM



CITY OF DURHAM

1869
CITY OF MEDICINE

To: IAD CASE #1311 C-29
From: L. J. Clayton, Professional Standards Division Commander
Date: January 10, 2014
RE: Update on Preliminary Findings

The following information is a synopsis of the administrative investigation of the death of Jesus Huerta up to this point. The focus of the administrative investigation is to address any violations of Durham Police Department policies and procedures. This investigation is independent of the investigation being conducted by the State Bureau of Investigation. While the investigation itself is still ongoing, the information contained herein is based upon interviews of officers and any other persons directly involved in the incident, as well as evidence and facts obtained up to this point. The Durham Police Department is waiting for additional information including the State Medical Examiner's final report and the Toxicology Report in order to complete our final report.

SYNOPSIS

On Tuesday, November 19, 2013 Officer S. Duncan reported for duty at approximately 5:45 pm to begin a 12-hour night shift on Uniform Patrol. At the time of the incident, Officer Duncan had been with the Department for 16 months and had just recently completed the final independent phase of his field training.

After attending roll-call briefing on this evening, Officer Duncan took control of Car 225. As is standard protocol upon taking control of a police vehicle, Officer Duncan inspected the vehicle to ensure that all emergency equipment was present and functioning properly. This inspection also included a search of the front seat and rear seat areas to ensure that no contraband of any kind had been left in the vehicle by the previous user. Car 225 had not been in use during the 12-hour day shift on that day. The most recent user prior to Officer Duncan was Officer O. Ortiz. Officer Ortiz advised that the only transport he did during his shift was providing a ride to a pregnant citizen. Officer Ortiz advised that he searched the passenger prior to allowing her to sit in the back seat and he searched the backseat after she got out – no contraband was noted.

At approximately 2:10 am on the 19th, the Durham Emergency Communications Center (911) received a runaway juvenile call. This call was dispatched to Uniform Patrol a few minutes later (*See Attachment 1 – Computer Aided Dispatch Report (CAD). The preliminary dispatch information is highlighted on page 7*). The caller, Jesus Huerta's sister, advised the 911 dispatcher that her brother had attempted suicide in the past, but this information was not relayed in the CAD information sent to Uniform Patrol officers via their mobile computer terminals in the patrol cars. The information from the runaway call dispatch included the following information: "*Jesus Huerta,*

Hispanic Male, 17 years old. He does not have any medical or mental conditions and is not at risk. Patrol Officer D. Pickle arrived at the caller's home on Washington Street and spoke to Silva Fernandez about her missing son, Jesus Huerta. One of Ms. Fernandez's sons translated for his mother since she spoke little English. Several other patrol officers, including Officer S. Duncan and Officer D. Beck, patrolled the immediate area looking for the missing teenager.

At approximately 2:30 AM, Officer Duncan and Officer Beck encountered two teenagers at Washington Street and Trinity Avenue. Although both teens originally provided false names, it was later determined that the teens were Jesus Huerta and Jaime Perez. The officers advised Communications that they were out with the missing juvenile and another subject at Washington Street and Trinity Avenue. Patrol Sergeant V. Pearsall and Cpl. M. Brown checked in with the officers. Sergeant Pearsall ran Jesus Huerta's name through a law enforcement database and determined there was an outstanding arrest warrant for trespassing on the runaway teenager. These same databases were used to help confirm the identity of Jaime Perez. Officer Duncan took Mr. Huerta into custody for the misdemeanor warrant and handcuffed him behind his back. Officer Duncan conducted a cursory search, or frisk, of Mr. Huerta's pant and jacket pockets and placed him in the back of his patrol car. Officer Duncan's frisk did not reveal any contraband.

Officer Duncan advised that he searched Mr. Huerta by using his hands to sweep both sides of Mr. Huerta's body, including his waist area. Sgt. Pearsall observed Officer Duncan frisk Mr. Huerta's clothing but did not see him search further. Cpl. Brown was also present when Huerta was handcuffed by Officer Duncan. Cpl. Brown advised that he observed Officer Duncan pat down/frisk Mr. Huerta. Jaime Perez, who was with Mr. Huerta during this encounter, advised that the officers only patted their pockets and looked in their coats. Mr. Huerta was wearing thin white leather baseball batting-type gloves on both hands. (See attachment 2 photo). Officer Duncan left the gloves on Mr. Huerta. Officer Duncan also took custody of a backpack Mr. Huerta was carrying and placed it in the trunk of his patrol car.

Officer Beck initiated a conversation with Mr. Jaime Perez, who provided a false name of Carlos Lopez. Officer Beck went to the patrol car in which Mr. Huerta was seated in an effort to determine Mr. Perez's true identity. She observed that Mr. Huerta had moved his cuffed hands from behind his back to having them behind his knees. Officer Beck advised Officer Duncan about Mr. Huerta's actions. Officer Beck eventually determined Mr. Perez's real identity and arrested him for Resisting/Delaying and Obstructing a Law Enforcement Officer. Officer Beck transported her arrestee to the Durham County Jail. As Officer Beck was leaving Washington Street, she observed Officer Duncan remove Mr. Huerta from the back seat of his patrol car.

Officer Duncan directed Mr. Huerta to get out of the back seat of the car and told him to put his handcuffs back behind his back. Mr. Huerta initially tried to move his hands back from their position behind his knees but advised that he would need to do it in a sitting position in the back of the patrol car. Officer Duncan let Mr. Huerta sit back in the car where Mr. Huerta was able to return his cuffed hands behind his back. After placing Mr. Huerta back in the patrol car, Officer Duncan drove to Durham Police Headquarters to pick up the misdemeanor trespass warrant. The trip from Washington Street and Trinity Avenue to Durham Police Headquarters is approximately a mile and typically takes around three minutes travel time by car.

Officer Duncan advised that, per police protocol, he had inspected the back of his patrol car, Car 225, for contraband at the beginning of his shift and Mr. Huerta was the first person to be placed in the back seat during his shift. Officer Duncan did not store any of his own personal items or

portable police equipment in the back seat either. Car 225 was not used during the twelve-hour shift prior to Officer Duncan taking control of the car. As stated previously, Officer O. Ortiz, who used the car prior to Officer Duncan, advised that he had searched the patrol car back seat for contraband and it was clear when he parked the car. Officer Ortiz further advised that his only transport during his shift was to provide a ride to a pregnant citizen; however, he did search her prior to the transport, and he searched the car after the transport and it was found to be clear.

The patrol car back seat is a fixed, one-piece, hard plastic seat. There is a plexiglass and metal containment cage between the rear passenger area and the front driver/passenger area. The floor board allows very little access to space under the front seats (See attachment 3 – photos 1, 2, 3, 4, and 5 showing the back seat area of patrol car 225). Car 225 is equipped with an in-car video recording system. The in-car video camera for Car 225 recorded video from the beginning of Officer Duncan's shift when he logged on at 6:05 pm until approximately 2:09 am. The camera system has an automatic shutoff feature that engages if the car is turned off for a certain amount of time to save the car battery. The camera will remain off, unless the officer logs back on; or activates his emergency lighting. It appears that the car was idle for more than 50 minutes, beginning at approximately 01:19 am. Once he restarted the car, Officer Duncan did not log back on to the camera system; consequently the camera was not recording during Mr. Huerta's arrest and transport. Officer Duncan advised that as he was driving to police headquarters, Mr. Huerta continued to move his cuffed hands so much that he had to tell Mr. Huerta several times to stop. Mr. Huerta responded by saying that he had a "wedgie" and was uncomfortable. Officer Duncan advised that he could also hear the sound of something rubbing against the hard plastic backseat area when Mr. Huerta was moving around, but he thought it was possibly the sound of the handcuffs rubbing against the seat. Officer Duncan advised that if he wasn't so close to headquarters, he would have pulled over to do a more extensive search of Mr. Huerta based on the arrestee's behavior in the back of the patrol car. Officer Duncan also advised that he planned on searching Mr. Huerta again once at Police Headquarters and felt that Mr. Huerta's behavior was indicative of someone trying to hide or discard drugs.

Officer Duncan arrived at Police Headquarters with his arrestee, pulling into the main entrance from Chapel Hill Street. Soon after pulling into the entrance, Officer Duncan heard a loud noise that appeared to be a gunshot. The sound was very close and appeared to originate from inside the vehicle. Officer Duncan thought he was being shot at so he jumped out of the vehicle while the vehicle transmission was still in drive. Duncan's patrol car continued moving forward until its front end collided with a parked van in the police parking lot. Officer Duncan also called out on the radio, "In the Parking Lot...Shots Fired!" Officer J. Harris, who was also in the parking lot of Police Headquarters, observed Officer Duncan ducking down near the moving patrol car and then heard Duncan's radio traffic. Officer Harris went over to Officer Duncan who told him that his prisoner was shooting at him. Both officers approached the wrecked patrol car with guns drawn and opened the rear seat door. Mr. Huerta was slumped over in the rear seat with his handcuffs behind his back. Blood was visible on the back seat and a black semi-automatic .45-caliber pistol was lying on the right back seat floor board.

Officer Duncan called out over the police radio with the gunshot wound and requested Emergency Medical Services (EMS). Mr. Huerta was declared deceased at the scene by EMS personnel. The State Bureau of Investigation (SBI) was requested to investigate the in-custody death of Mr. Huerta. In addition, the Durham Police Department's Professional Standards Division, Forensics staff, and Criminal Investigations Division are also involved in the investigation of the incident.

PRELIMINARY FINDINGS

1. Jesus Huerta had discussed committing suicide with some family members, based upon information received during the 911 call. However, that information was not relayed to the patrol officers upon dispatch. Consequently the officers believed they were dealing with a runaway teenager prior to discovery of the active warrant.
2. A search warrant was later obtained for the information contained in Mr. Huerta's phone. A preliminary review of the data contained within his phone shows several text messages referring to guns. Review of this data is ongoing.
3. Car 225 was inspected immediately prior to use by Officer Duncan who found no contraband or weapons. Additionally, there is no reasonable place to conceal a handgun in the backseat area of Car 225.
4. Mr. Huerta was the first and only person transported in Car 225 by Officer Duncan during his shift.
5. Durham Police Forensics performed Gunshot Residue (GSR) tests on Officer Duncan's hands and on the white batting gloves that Jesus Huerta was wearing when he was killed. The State Crime Lab processed the GSR tests and reported that Officer Duncan's hands were negative for gunshot residue and Jesus Huerta's gloves were positive for gunshot residue indicating that Mr. Huerta fired a gun. (See attachment 4 GSR report)
6. The evidence and information collected thus far indicate that Mr. Huerta had a handgun concealed on his person. Officer Duncan did not discover this handgun during his search of Mr. Huerta. Mr. Huerta shot himself with that handgun.
7. All evidence indicates that Mr. Huerta died of a self-inflicted gunshot wound.
8. The Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) conducted a trace on the history of the handgun. The weapon is a Haskell .45 caliber semi-automatic handgun. The last known location of the gun was ABC Dependable Pawn located in Commerce Georgia on December 18, 1991. That pawnshop has been out of business and was identified by the ATF as not complying with the requirement to provide records of firearms transactions. No further information about the gun is available at this time. [See attachment 5 – photo]
9. The Durham Police Department's Professional Standards Division is investigating possible violations of the following policies: General Order 4067 In-Custody Death; General Order 4003 Transporting and Handling of Prisoners; General Order 4064 R-3 Mobile Video Cameras (MVC).

Event Report

Event ID: **2013-446684**

Call Ref #: 311

Date/Time Received: 11/19/13 02:10:27

Rpt #: 13-036942	Call Source: E911	Prime A222 Unit: BECK, DAKOTA M	Services Involved			
			LAW	FIRE		
Location: 1215 WASHINGTON ST			B			
X-ST: <i>GREEN ST</i> <i>CLARK ST</i>			Jur: CAD	Service: LAW	Agency: DPD	
Business:			St/Beat: 212	District: D2	RA: NTH	
Phone: () -			GP: L212			
Nature: RUNAWAY		Alarm Lvl: 1	Priority: 3	Medical Priority: 123B02		
Caller: judith			Alarm:			
Addr: 4350 WIRELESS - DURHAM			Phone: (919) 358-2001	Alarm Type:		
Vehicle #:	St:	Report Only: No	Race:	Sex:	Age:	
Call Taker: THORPEJ			Console: CON14			
Geo-Verified Addr.: Yes		Nature Summary Code:	Disposition: 1	Close Comments:		
Notes: <i>See Event Notes Addendum at end of this report</i>						

Times

	Time From Call Received		
Call Received: 11/19/13 02:10:27			
Call Routed: 11/19/13 02:13:08	000:02:41	Unit Reaction: 000:07:16	<i>(1st Dispatch to 1st Arrive)</i>
Call Take Finished: 11/19/13 02:13:08	000:02:41	En-Route: 000:01:43	<i>(1st Dispatch to 1st En-Route)</i>
1st Dispatch: 11/19/13 02:14:16	000:03:49	On-Scene: 010:53:45	<i>(1st Arrive to Last Clear)</i>
1st En-Route: 11/19/13 02:15:59	000:05:32		
1st Arrive: 11/19/13 02:21:32	000:11:05		<i>(Reaction Time)</i>
Last Clear: 11/19/13 13:15:17	011:04:50		

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
A214	18582	D	Dispatched	11/19/13 02:14:16	Stat/Beat: 214		ROSSA
A214	18582	E	En-Route	11/19/13 02:15:59			ROSSA
A222	17096	D	Dispatched	11/19/13 02:16:31	Stat/Beat: 222		Unit:A222
A222	17096	E	En-Route	11/19/13 02:16:31	Stat/Beat: 222		Unit:A222
PHONE	0	D	Dispatched	11/19/13 02:18:04			ROSSA
PHONE	0	C	Cleared	11/19/13 02:20:03	16	16	PRICES
A225	19122	D	Dispatched	11/19/13 02:20:44	Stat/Beat: 225		Unit:A225
A225	19122	E	En-Route	11/19/13 02:20:44	Stat/Beat: 225		Unit:A225
A214	18582	A	Arrived	11/19/13 02:21:32			Unit:A214
A222	17096	A	Arrived	11/19/13 02:21:54			Unit:A222
A225	19122	A	Arrived	11/19/13 02:23:43			Unit:A225
A222	17096	L	Location Change	11/19/13 02:30:23	TRINITY/WASHINGTON /WITH THE		ROSSA
A225	19122	L	Location Change	11/19/13 02:30:43	TRINITY/WASHINGTON /WITH THE		ROSSA
A222	17096	T	Transport	11/19/13 02:48:24	To: MAGISTRATES OFFICE/I MALE		POWELL
A222	17096	MILE	Beg Mileage	11/19/13 02:48:24	Beg Mileage: 36.1		POWELL
A225	19122	T	Transport	11/19/13 02:51:15	To: HEADQUARTERS		Unit:A225
A222	17096	A	Arrived	11/19/13 02:51:34			POWELL
A222	17096	MILE	End Mileage	11/19/13 02:51:34	End Mileage: 37.1		POWELL
A225	19122	A	Arrived	11/19/13 02:53:31			Unit:A225

Unit	Empl ID	Type	Description	Radio Log		Close Code	User
				Time Stamp	Comments		
A224	17694	D	Dispatched	11/19/13 02:54:27	Out Evt: [E] at 1821 NORTH POINTE DR		POWELL
A224	17694	E	En-Route	11/19/13 02:54:27	Out Evt: [E] at 1821 NORTH POINTE DR		POWELL
A221	17141	D	Dispatched	11/19/13 02:54:32	Out Srv: [16] at		POWELL
A221	17141	E	En-Route	11/19/13 02:54:32	Out Srv: [16] at		POWELL
A221	17141	T	Transport	11/19/13 02:54:40	To: HEADQUARTERS		POWELL
A224	17694	T	Transport	11/19/13 02:54:45	To: HEADQUARTERS		POWELL
A522	7752	D	Dispatched	11/19/13 02:55:20	Stat/Beat: 522		POWELL
A522	7752	A	Arrived	11/19/13 02:55:20	Stat/Beat: 522		POWELL
A522	7752	L	Location Change	11/19/13 02:55:22	HQ		POWELL
A110	9430	E	En-Route	11/19/13 02:55:52	Stat/Beat: 110		Unit:A110
A110	9430	D	Dispatched	11/19/13 02:55:52	Stat/Beat: 110		Unit:A110
A214	18582	L	Location Change	11/19/13 02:55:53	HQ		POWELL
A300	5488	D	Dispatched	11/19/13 02:56:04	Stat/Beat: 300		Unit:A300
A300	5488	E	En-Route	11/19/13 02:56:04	Stat/Beat: 300		Unit:A300
A200	4386	D	Dispatched	11/19/13 02:57:10	Stat/Beat: 200		POWELL
A200	4386	A	Arrived	11/19/13 02:57:10	Stat/Beat: 200		POWELL
A210	8848	D	Dispatched	11/19/13 02:57:14	Stat/Beat: 210		POWELL
A210	8848	A	Arrived	11/19/13 02:57:14	Stat/Beat: 210		POWELL
A224	17694	A	Arrived	11/19/13 02:57:33			Unit:A224
BK2	6133	D	Dispatched	11/19/13 02:57:35			POWELL
BK2	6133	E	En-Route	11/19/13 02:57:35			POWELL
A300	5488	A	Arrived	11/19/13 02:57:50			WILLSA
BK2	6133	T	Transport	11/19/13 02:58:04	To: HEADQUARTERS		POWELL
A200	4386	L	Location Change	11/19/13 02:58:11	HQ		POWELL
A110	9430	A	Arrived	11/19/13 02:58:14			Unit:A110
A210	8848	L	Location Change	11/19/13 02:58:15	HQ		POWELL
POL2	0	D	Dispatched	11/19/13 02:58:47	Out Evt: [A] at 1821 NORTH POINTE DR		POWELL
POL2	0	A	Arrived	11/19/13 02:58:47	Out Evt: [A] at 1821 NORTH POINTE DR		POWELL
A112	19154	D	Dispatched	11/19/13 02:58:51	Stat/Beat: 112		Unit:A112
A112	19154	A	Arrived	11/19/13 02:58:51	Stat/Beat: 112		Unit:A112
A122	17994	D	Dispatched	11/19/13 02:58:57	On Evt: [A] at 1000 N MIAMI BLVD		Unit:A122
A122	17994	A	Arrived	11/19/13 02:58:57	On Evt: [A] at 1000 N MIAMI BLVD		Unit:A122
A110	9430	L	Location Change	11/19/13 02:59:00	HQ		PRICES
A112	19154	L	Location Change	11/19/13 02:59:05	HQ		PRICES
A122	17994	L	Location Change	11/19/13 02:59:11	HQ		PRICES
POL2	0	L	Location Change	11/19/13 02:59:25	HQ		POWELL
A222	17096	T	Transport	11/19/13 03:00:06	To: HEADQUARTERS		POWELL
A222	17096	MILE	Beg Mileage	11/19/13 03:00:06	Beg Mileage: 37.2		POWELL
A112	19154	M	Misc. Radio	11/19/13 03:00:31	WILL SCRIBE		PRICES
A222	17096	A	Arrived	11/19/13 03:02:49			ROSSA
A222	17096	MILE	End Mileage	11/19/13 03:02:49	End Mileage: 37.7		ROSSA
K92	4433	D	Dispatched	11/19/13 03:05:25			PRICES
K92	4433	A	Arrived	11/19/13 03:05:25			PRICES
A113	19126	D	Dispatched	11/19/13 03:05:28	Stat/Beat: 113		PRICES
A113	19126	A	Arrived	11/19/13 03:05:28	Stat/Beat: 113		PRICES
A113	19126	L	Location Change	11/19/13 03:05:32	HEADQUARTERS		PRICES
A113	19126	L	Location Change	11/19/13 03:05:39	HQ		PRICES
K92	4433	L	Location Change	11/19/13 03:05:45	HQ		PRICES
A300	5488	C	Cleared	11/19/13 03:08:37		16	Unit:A300
A222	17096	RPT	Report Only	11/19/13 03:17:36	Additional Report DPD Report #13-036943		POWELL
A212	10049	D	Dispatched	11/19/13 03:37:40	Stat/Beat: 212		ROSSA
A212	10049	A	Arrived	11/19/13 03:37:40	Stat/Beat: 212		ROSSA
A124	17690	D	Dispatched	11/19/13 03:46:41	Stat/Beat: 124		Unit:A124
A124	17690	A	Arrived	11/19/13 03:46:41	Stat/Beat: 124		Unit:A124

Unit	Empl ID	Type	Description	Time Stamp	Radio Log		Close Code	User
						Comments		
A124	17690	L	Location Change	11/19/13 03:46:59		HEADQUARTERS		Unit:A124
A200	4386	A	Arrived	11/19/13 03:54:24				Unit:A200
BK2	6133	A	Arrived	11/19/13 04:05:57				POWELL
A221	17141	A	Arrived	11/19/13 04:15:42				Unit:A221
A220	6348	D	Dispatched	11/19/13 04:17:09		Stat/Beat: 220		ROSSA
A220	6348	A	Arrived	11/19/13 04:17:09		Stat/Beat: 220		ROSSA
A212	10049	L	Location Change	11/19/13 04:18:39		HEADQUARTERS /OUTER PERIMETER		Unit:A212
A500	6134	D	Dispatched	11/19/13 04:19:44		Stat/Beat: 500		Unit:A500
A500	6134	A	Arrived	11/19/13 04:19:44		Stat/Beat: 500		Unit:A500
K92	4433	C	Cleared	11/19/13 04:20:10			16	Unit:K92
MOB1	6249	D	Dispatched	11/19/13 04:36:26				ROSSA
MOB1	6249	E	En-Route	11/19/13 04:36:26				ROSSA
A500	6134	C	Cleared	11/19/13 04:36:34			16	Unit:A500
MOB1	6249	T	Transport	11/19/13 04:38:01		To: HEADQUARTERS		ROSSA
MOB1	6249	A	Arrived	11/19/13 04:45:29				ROSSA
A220	6348	L	Location Change	11/19/13 04:48:27		HQ		PRICES
A122	17994	C	Cleared	11/19/13 05:21:16			16	Unit:A122
A110	9430	C	Cleared	11/19/13 05:31:49			16	Unit:A110
D324	18088	D	Dispatched	11/19/13 05:47:42		Stat/Beat: 321		WILSON
D324	18088	A	Arrived	11/19/13 05:47:42		Stat/Beat: 321		WILSON
D223	19155	D	Dispatched	11/19/13 05:48:17		Stat/Beat: 223		Unit:D223
D223	19155	E	En-Route	11/19/13 05:48:17		Stat/Beat: 223		Unit:D223
D223	19155	L	Location Change	11/19/13 05:48:43		HEADQUARTERS		Unit:D223
D213	18606	D	Dispatched	11/19/13 05:48:54		Stat/Beat: 213		Unit:D213
D213	18606	E	En-Route	11/19/13 05:48:54		Stat/Beat: 213		Unit:D213
D213	18606	L	Location Change	11/19/13 05:49:02		HEADQUARTERS		Unit:D213
A113	19126	C	Cleared	11/19/13 05:49:09			16	Unit:A113
D211	18594	D	Dispatched	11/19/13 06:01:28		Stat/Beat: 211		Unit:D211
D211	18594	E	En-Route	11/19/13 06:01:28		Stat/Beat: 211		Unit:D211
D223	19155	A	Arrived	11/19/13 06:04:37				Unit:D223
D124	18050	D	Dispatched	11/19/13 06:07:55		Stat/Beat: 124		Unit:D124
D124	18050	E	En-Route	11/19/13 06:07:55		Stat/Beat: 124		Unit:D124
D211	18594	A	Arrived	11/19/13 06:08:44				Unit:D211
D225	5466	D	Dispatched	11/19/13 06:09:22		Stat/Beat: 225		WILSON
D225	5466	E	En-Route	11/19/13 06:09:22		Stat/Beat: 225		WILSON
D114	19385	D	Dispatched	11/19/13 06:11:10		Stat/Beat: 114		Unit:D114
D114	19385	E	En-Route	11/19/13 06:11:10		Stat/Beat: 114		Unit:D114
A112	19154	R	Return to Qtr	11/19/13 06:12:12				WILSON
D112	18043	D	Dispatched	11/19/13 06:12:21		Stat/Beat: 112		WILSON
D112	18043	E	En-Route	11/19/13 06:12:21		Stat/Beat: 112		WILSON
A112	19154	A	Arrived	11/19/13 06:12:22				WILSON
A112	19154	L	Location Change	11/19/13 06:12:26		HQ		WILSON
A522	7752	C	Cleared	11/19/13 06:15:17			16	Unit:A522
D124	18050	C	Cleared	11/19/13 06:15:31			16	Unit:D124
D522	13673	D	Dispatched	11/19/13 06:20:09		Stat/Beat: 522		Unit:D522
D522	13673	A	Arrived	11/19/13 06:20:09		Stat/Beat: 522		Unit:D522
A124	17690	C	Cleared	11/19/13 06:23:16		16	16	WILSON
A112	19154	C	Cleared	11/19/13 06:24:14			16	Unit:A112
D114	19385	L	Location Change	11/19/13 06:25:04		HEADQUARTERS		Unit:D114
A212	10049	C	Cleared	11/19/13 06:28:07			16	Unit:A212
D112	18043	A	Arrived	11/19/13 06:46:07				Unit:D112
D112	18043	L	Location Change	11/19/13 06:55:09		HEADQUARTERS		Unit:D112
D213	18606	A	Arrived	11/19/13 07:00:19				Unit:D213
D324	18088	C	Cleared	11/19/13 07:20:10			16	SANDOV

Unit	Empl ID	Type	Description	Radio Log		Close Code	User
				Time Stamp	Comments		
A222	17096	C	Cleared	11/19/13 08:05:42		1	WILSON
A221	17141	C	Cleared	11/19/13 08:05:55		16	Unit:A221
D223	19155	C	Cleared	11/19/13 08:10:04	10	10	THORPE
A214	18582	C	Cleared	11/19/13 08:24:38		16	Unit:A214
A224	17694	C	Cleared	11/19/13 08:26:42		16	Unit:A224
D18	5615	D	Dispatched	11/19/13 08:31:21	Out Evt: [A] at 1033 STATLER DR		WILSON
D18	5615	A	Arrived	11/19/13 08:31:21	Out Evt: [A] at 1033 STATLER DR		WILSON
FUN	0	D	Dispatched	11/19/13 08:31:30			WILSON
FUN	0	C	Cleared	11/19/13 08:36:31	16	16	THORPE
D223	19155	D	Dispatched	11/19/13 08:52:05	Stat/Beat: 223		Unit:D223
D223	19155	A	Arrived	11/19/13 08:52:05	Stat/Beat: 223		Unit:D223
A200	4386	C	Cleared	11/19/13 08:58:09	16	16	WILSON
A210	8848	C	Cleared	11/19/13 09:00:44		16	WILSON
A220	6348	C	Cleared	11/19/13 09:00:49	16	16	WILSON
D18	5615	L	Location Change	11/19/13 09:03:58	HQ		WILSON
D522	13673	C	Cleared	11/19/13 09:20:09		16	Unit:D522
D112	18043	C	Cleared	11/19/13 09:34:23		16	Unit:D112
D213	18606	C	Cleared	11/19/13 09:45:01		16	Unit:D213
D225	5466	L	Location Change	11/19/13 09:47:17	505 W CHAPEL HILL ST		Unit:D225
D223	19155	C	Cleared	11/19/13 09:49:41		16	Unit:D223
D211	18594	C	Cleared	11/19/13 09:59:34		16	Unit:D211
BK2	8727	C	Cleared	11/19/13 09:59:35		16	Unit:BK2
OR	0	D	Dispatched	11/19/13 10:10:10			WILSON
A225	19122	C	Cleared	11/19/13 10:10:20		16	WILSON
D225	5466	C	Cleared	11/19/13 10:11:46		16	Unit:D225
OR	0	C	Cleared	11/19/13 10:13:30	16	16	THORPE
POL2	0	C	Cleared	11/19/13 10:13:49	16	16	WILSON
MOB1	6249	C	Cleared	11/19/13 10:30:41		16	WILSON
D114	19385	T	Transport	11/19/13 10:33:52	To: BROADWAY		WILSON
D114	19385	C	Cleared	11/19/13 10:48:46		16	Unit:D114
D18	5615	C	Cleared	11/19/13 13:15:17		16	WILSON

Unit	Empl ID	Type	Description	Event Log		Close Code	User
				Time Stamp	Comments		
		TR	Time Received	11/19/13 02:10:27	By: E911		THORPE
		ENT	Entered Street	11/19/13 02:10:27	4350 WIRELESS - DURHAM CHAPEL		THORPE
		CHG	Changed Street	11/19/13 02:10:31	4350 WIRELESS - DURHAM CHAPEL		THORPE
		ENT	Entered AddSt	11/19/13 02:10:35	B		THORPE
		ENT	Entered Nature	11/19/13 02:11:24	RUNAWAY		THORPE
		LPS	Law Pri. Started	11/19/13 02:11:24	Case Started		THORPE
		CHG	Changed CallerNm	11/19/13 02:11:56	SPRINT PCS-->judith		THORPE
		ARM	Added Remarks	11/19/13 02:11:56			THORPE
		FIN	Finished Call Taking	11/19/13 02:13:08			THORPE
		ARM	Added Remarks	11/19/13 02:13:09			THORPE
		ARM	Added Remarks	11/19/13 02:18:22			ROSSA
		ARM	Added Remarks	11/19/13 02:19:31			PRICES
		ARM	Added Remarks	11/19/13 02:20:07			Unit:A214
		ARM	Added Remarks	11/19/13 02:20:18			PRICES
		ARM	Added Remarks	11/19/13 02:21:24			PRICES
		CHG	Changed PrimeUnit	11/19/13 02:47:41	A214 --> A222		Unit:A222
		RPT	Requested Report#	11/19/13 02:47:56	DPD Report #13-036942 Unit:A222		Unit:A222
		ARM	Added Remarks	11/19/13 02:48:24			POWELL
		ARM	Added Remarks	11/19/13 02:48:24			POWELL
		ARM	Added Remarks	11/19/13 02:51:38			POWELL

Unit	Empl ID	Type	Description	Event Log		Close Code	User
				Time Stamp	Comments		
		ARM	Added Remarks	11/19/13 02:53:59			POWELL
		ARM	Added Remarks	11/19/13 02:54:18			POWELL
		ARM	Added Remarks	11/19/13 02:54:25			PRICES
		ARM	Added Remarks	11/19/13 02:55:04			POWELL
		FF	Fast Forward to FIRE	11/19/13 02:55:07	FIRE		POWELL
		SP	Spawned	11/19/13 02:55:10	Spawned FIRE event #2013446705		POWELL
		ARM	Added Remarks	11/19/13 02:55:27			ALLISON
		ARM	Added Remarks	11/19/13 02:55:30			PRICES
		ARM	Added Remarks	11/19/13 02:55:35			SMITHK
		ARM	Added Remarks	11/19/13 02:55:42			POWELL
		ARM	Added Remarks	11/19/13 02:56:13			POWELL
		ARM	Added Remarks	11/19/13 02:57:10			ARCH
		ARM	Added Remarks	11/19/13 02:57:53			POWELL
		ARM	Added Remarks	11/19/13 03:00:06			POWELL
		ARM	Added Remarks	11/19/13 03:03:23			ROSSA
		ARM	Added Remarks	11/19/13 03:17:36			POWELL
		ARM	Added Remarks	11/19/13 03:19:14			POWELL
		ARM	Added Remarks	11/19/13 03:21:03			ARCH
		RSW	Reset Watchdog Timer	11/19/13 03:24:35	Units: A222,A225,A224 >>> 45Min.		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 03:26:39	Units: A214 >>> 45Min.		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 03:26:45	Units: A522 >>> 45Min.		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 03:29:19	Units: A110 >>> 45Min.		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 03:29:27	Units:		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 04:09:34	Units: A212 >>> 45Min.		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 04:09:49	Units: A222,A225,A200,BK2,A212,A224		BALLEN
		RSW	Reset Watchdog Timer	11/19/13 04:14:36	Units:		ROSSA
		SP	Spawned	11/19/13 04:34:55	Spawned LAW event #2013446739		DILLAR
		ARM	Added Remarks	11/19/13 04:34:55			DILLAR
		RSW	Reset Watchdog Timer	11/19/13 04:45:45	Units:		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 04:45:52	Units: A221 >>> 30Min.		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 04:48:30	Units: A220 >>> 600Min.		PRICES
		RSW	Reset Watchdog Timer	11/19/13 04:50:27	Units:		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 05:16:15	Units: A110 >>> 45Min.		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 05:16:21	Units:		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 05:20:49	Units:		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 06:01:44	Units:		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 06:09:55	Units:		WILSON
		ARM	Added Remarks	11/19/13 06:16:57			WILSON
		SP	Spawned	11/19/13 06:17:22	Spawned FIRE event #2013446763		WILSON
		ARM	Added Remarks	11/19/13 06:17:23			WILSON
		ARM	Added Remarks	11/19/13 06:17:57			ALLISON
		ARM	Added Remarks	11/19/13 06:32:43			WILSON
		ARM	Added Remarks	11/19/13 06:32:44			ARCH
		ARM	Added Remarks	11/19/13 06:34:07			ARCH
		ARM	Added Remarks	11/19/13 06:34:51			ARCH
		RSW	Reset Watchdog Timer	11/19/13 06:47:11	Units: A210 >>> 999Min.		WILSON
		RSW	Reset Watchdog Timer	11/19/13 06:47:15	Units: A220,A210,A214,D114,D213,POL2		WILSON
		RSW	Reset Watchdog Timer	11/19/13 06:51:42	Units: D522 >>> 900Min.		WILSON
		LPO	Law Pri. Re-Open	11/19/13 06:54:17	Case Re-Opened		WILSON
		RSW	Reset Watchdog Timer	11/19/13 07:25:30	Units: A220,A210,A214,D112,D114,POL2		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 07:31:00	Units:		ROSSA
		RSW	Reset Watchdog Timer	11/19/13 07:57:07	Units: A220,A210,A214,D112,D114,POL2		THORPE
		RSW	Reset Watchdog Timer	11/19/13 08:17:52	Units:		WILSON
		ARM	Added Remarks	11/19/13 08:31:28			WILSON

Unit	Empl ID	Type	Description	Event Log		Close Code	User
				Time Stamp	Comments		
		ARM	Added Remarks	11/19/13 08:31:37			WILSON
		ARM	Added Remarks	11/19/13 08:37:21			THORPE
		ARM	Added Remarks	11/19/13 08:37:46			THORPE
		ARM	Added Remarks	11/19/13 08:38:32			WILSON
VAL		Viewed Alerts		11/19/13 09:00:06	Location Information		MITCHE
VCH		Viewed Call History		11/19/13 09:00:42	Location Information		MITCHE
VCH		Viewed Call History		11/19/13 09:00:52	Location Information		MITCHE
RSW		Reset Watchdog Timer		11/19/13 09:03:40	Units: D112 >>> 999Min.		WILSON
RSW		Reset Watchdog Timer		11/19/13 09:03:48	Units: D112,D114,POL2 >>> 999Min.		WILSON
RSW		Reset Watchdog Timer		11/19/13 09:03:51	Units: D18 >>> 999Min.		WILSON
ARM		Added Remarks		11/19/13 09:08:22			WILSON
ARM		Added Remarks		11/19/13 09:09:18			WILSON
RSW		Reset Watchdog Timer		11/19/13 09:22:32	Units: A225,MOB1,BK2,D223,D213,D211		CARSON
RSW		Reset Watchdog Timer		11/19/13 09:54:44	Units: D18 >>> 999Min.		WILSON
ARM		Added Remarks		11/19/13 09:58:53			WILSON
ARM		Added Remarks		11/19/13 09:58:56			WILSON
ARM		Added Remarks		11/19/13 10:10:05			WILSON
RSW		Reset Watchdog Timer		11/19/13 10:12:04	Units: OR >>> 999Min.		WILSON
ARM		Added Remarks		11/19/13 10:13:17			THORPE
ARM		Added Remarks		11/19/13 10:13:27			THORPE
ARM		Added Remarks		11/19/13 10:33:39			WILSON
VAL		Viewed Alerts		11/19/13 11:16:07	Location Information		HAWKIN

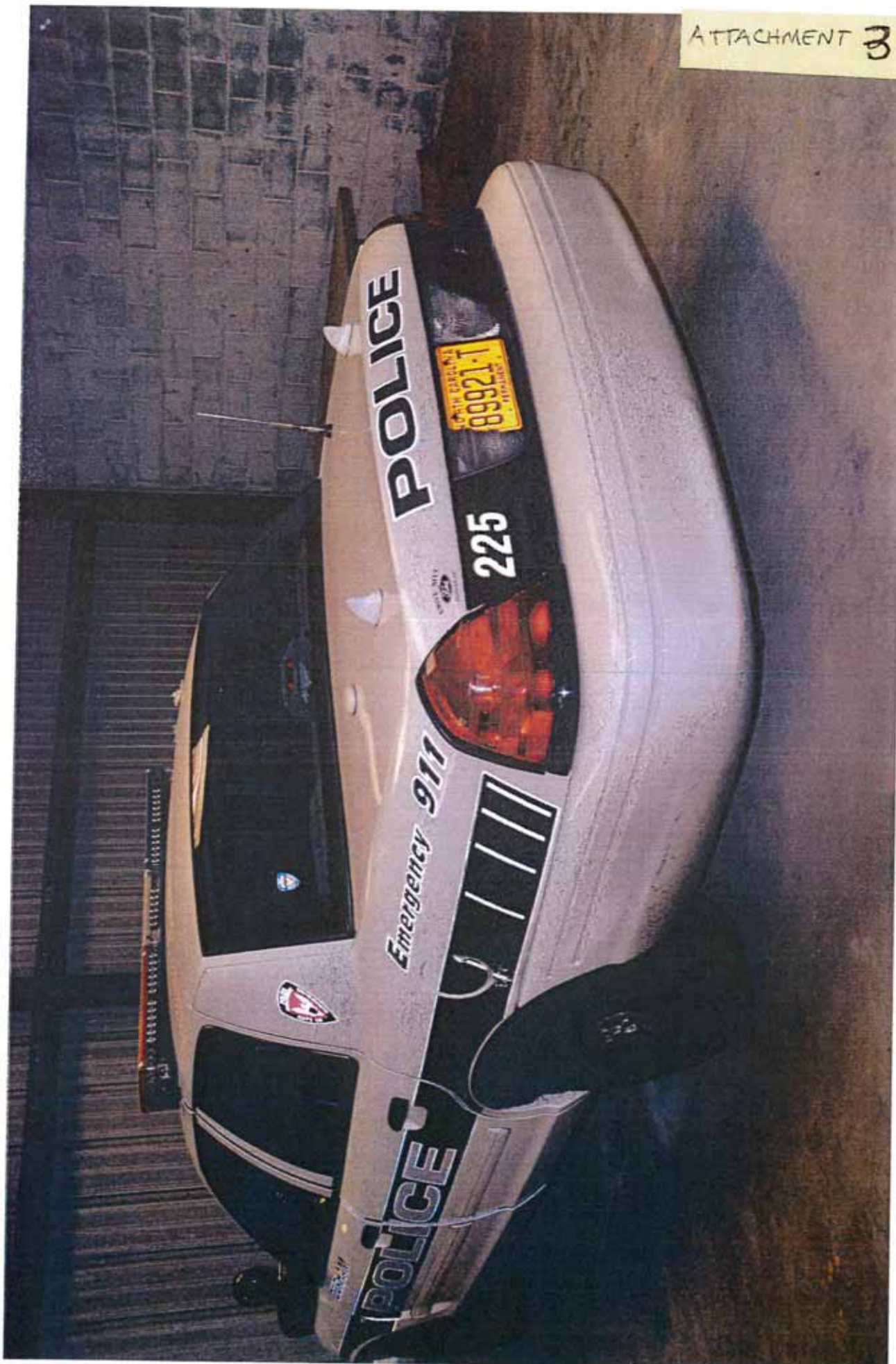
Event Notes Addendum

Notes: (D114) IC CLEARED ... [11/19/13 10:33:39 WILSONC]
 BIG JOHNS 10-17 TO HQ [11/19/13 10:13:27 THORPET]
 BIG JOHNS 10-17 [11/19/13 10:13:17 THORPET]
 (D114) BIG JOHN - OR TO BROAD STR [11/19/13 10:10:05 WILSONC]
 (D114) IC [11/19/13 09:58:56 WILSONC]
 (BK2) COMMD D114 [11/19/13 09:58:53 WILSONC]
 (BK2) 22 BIG JOHNS FOR NOW [11/19/13 09:09:18 WILSONC]
 (BK2) CITY TOW ... TO HQ [11/19/13 09:08:22 WILSONC]
 (BK2) IC [11/19/13 08:38:32 WILSONC]
 QUALITY 10-17 TO HQ [11/19/13 08:37:46 THORPET]
 QUALITY 10-17 45 MINS [11/19/13 08:37:21 THORPET]
 FUN TO HQ [11/19/13 08:31:37 WILSONC]
 (D18) REQUEST QUAILTY [11/19/13 08:31:28 WILSONC]
 [FIRE] CHAP1 NOTIFIED FOR SPANISH SPEAKING CHAPLIN [11/19/13 06:34:51 ARCH]
 CHAP1 DE [11/19/13 06:34:07 ARCH]
 [FIRE] (M2) SPANISH SPEAKING CHAPLIN IF POSSIBLE [11/19/13 06:32:44 ARCH]
 (A200) IC TO BK2 [11/19/13 06:32:43 WILSONC]
 [FIRE] ***** [11/19/13 06:17:57 ALLISONS]
 Event spawned for FEMS Event ID:390 [11/19/13 06:17:23 WILSONC]
 1215 WASHINGTON ... [11/19/13 06:16:57 WILSONC]
 Event spawned for DPD Event ID:366 [11/19/13 04:34:55 DILLARD]
 [FIRE] (M4) NO FURTHER 10-90'S [11/19/13 03:21:03 ARCH]
 IR FOR GSW.....13-036943...ALSO SAME FOR 10-50 [11/19/13 03:19:14 POWELL]
 A222 Generated Additional Report # 13-036943 [11/19/13 03:17:36 POWELL]
 [A222-TRANSPORT] {A222} End Mileage: 37.7 [11/19/13 03:03:23 ROSSA]
 [A222-TRANSPORT] {A222} Beg Mileage: 37.2 [11/19/13 03:00:06 POWELL]
 (A200) IN COMMAND [11/19/13 02:57:53 POWELL]
 [FIRE] UDOTS: {M7} ACKNOWLEDGMENT OF INFO [11/19/13 02:57:10 ARCH]
 (A225) 18 YOA NOT BREATHING [11/19/13 02:56:13 POWELL]
 (A221) CLR SIG20 [11/19/13 02:55:42 POWELL]

[FIRE] *****OPS1 [11/19/13 02:55:35 SMITHK]
(A225) 18YOM NOT BREATHING [11/19/13 02:55:30 PRICES]
[FIRE] *****OPS1***** [11/19/13 02:55:27 ALLISONS]
(A225) CLR SIG20 A GSW 18 YOA [11/19/13 02:55:04 POWELLL]
(A225) HQ PVA SHOTS FIRED DONT BELIEVE HURT [11/19/13 02:54:25 PRICES]
(A225) IN THE PARKING LOT....SHOTS FIRED... [11/19/13 02:54:18 POWELLL]
(A225) HQ [11/19/13 02:53:59 POWELLL]
[A222-TRANSPORT] {A222} End Mileage: 37.1 [11/19/13 02:51:38 POWELLL]
[A222-TRANSPORT] {A222} Beg Mileage: 36.1 [11/19/13 02:48:24 POWELLL]
[A222-TRANSPORT] {A222} 1 MALE [11/19/13 02:48:24 POWELLL]
blk and red jacket, wht shirt Aeropostale, blu jeans [11/19/13 02:21:24 PRICES]
attempting to get clothing or DOT [11/19/13 02:20:18 PRICES]
4 [11/19/13 02:20:07 Unit:A214]
subj Jesu Huerta -- hisp male, good english [11/19/13 02:19:31 PRICES]
(A214) CALL BACK TO GET DESCRIPTION AND NAME [11/19/13 02:18:22 ROSSA]
RESPONSE: PRIORITY 3
Questions: The caller is not on scene.
This is a 3rd party caller.
This incident just happened: a few mins ago
This incident involves a MISSING PERSON.
The age of the person is: 17 yoa
S/he does not have any medical or mental conditions.
S/he is not AT RISK.
It is suspected that s/he is a RUNAWAY. [EPD] [11/19/13 02:13:09 THORPEJ]
Caller Statement: callers brother has ranaway from home
Chief Complaint: Missing / Runaway / Found Person
[EPD] [11/19/13 02:11:56 THORPEJ]

Attachment 2





2 of 5









North Carolina State Crime Laboratory
Department of Justice
Raleigh
Laboratory Report

TO:	J. Barr Durham Police Department 921 Holloway Street Durham, NC 27701	DATE:	December 12, 2013
		CRIME LAB NO.:	R201317918
		SBI FILE NO.:	2013-02166
		AGENCY FILE NO.:	13-036943
LOCATION:	Durham County	EXAMINED BY:	Elizabeth K. Patel
TYPE OF CASE:	Death In Custody	DATE OF OFFENSE:	November 19, 2013
SUBJECT(S):	Jesus Huerta		

ITEM(S) SUBMITTED BY TONICA HERRON ON DECEMBER 6, 2013:

Item # 3:	gloves-pair white/blk worth woman's (Your item 7)
Item # 6:	Gunshot Residue Kit collected from the gloves worn by Jesus Huerta (Your item 29)
Item # 8:	Gunshot Residue Kit collected from Officer Samuel Duncan (Your item 34)

TYPE EXAMINATION REQUESTED:

GUNSHOT RESIDUE

RESULTS OF EXAMINATION:

Item #3: Examination of item #6 revealed the presence of characteristic particles of gunshot residue; therefore, this item was not analyzed.

Item #6: Examination of the adhesive lifts collected from the gloves worn by Jesus Huerta revealed the presence of particles characteristic to gunshot residue. Characteristic particles on an item could have originated from being in close proximity to a firearm when it was discharged, being in contact with another item with gunshot residue on it or from some other source which produces similar particles.

Item #8: Barium, antimony and lead, indicative of gunshot residue, were not present in significant concentrations on the handwipings submitted. It is noted, however, that this does not eliminate the possibility that the subject could have fired a gun.

DISPOSITION OF EVIDENCE:

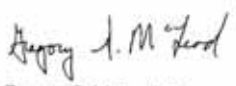
The evidence will be retained for pick-up.

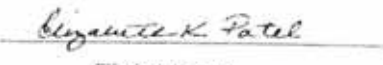
I, Roy Cooper, Attorney General of the State of North Carolina, hereby certify that the form identified as: North Carolina State Crime Laboratory, North Carolina State Bureau of Investigation, Department of Justice, Laboratory Report is a form approved by me for the purpose stated in G.S. 90-95(g) and approved by me in compliance with the said statute.

THIS REPORT IS TO BE USED ONLY IN CONNECTION WITH AN OFFICIAL CRIMINAL INVESTIGATION.

COPIES TO:
M. T. Denning, SAC, SBI Records, Honorable Leon Stanback, DA, Sheila Quick Minschew

This report contains the opinions/interpretations of the examiner(s) who issued the report. All supporting documentation generated during the examination is released with the report.


Gregory S. McLeod, Director


Elizabeth K. Patel

Confidential: This is an official file of the North Carolina State Crime Laboratory, North Carolina State Bureau of Investigation. To make public or reveal the contents thereof to any unauthorized person is a violation of the General Statutes of North Carolina.

ATTACHMENT 5

#2

