

***Public Report on the Philip McDuffy
Attempted Suicide***

Providence Road (MO 163) at I-70
July 25, 2008

**Columbia Police Department
Professional Standards Unit**

**Sgt. Joe Bernhard
Sgt. Shelley Jones**

Introduction

Herewith we release a report on the investigation of the incident involving the attempted suicide of Philip McDuffy, on Friday July 25, 2008.

One of the significant challenges involving the release of information that deals with police internal investigations is the closed nature of information that is of a personnel related action.

The names of the officers involved have been redacted. This is necessary for protection of their rights of due process. We acknowledge that this will make for cumbersome reading.

Our significant challenge is that the public gets a satisfactory, comprehensive investigation of what happened that day, with particular focus on the police department's role in those events, while the rights of all involved are protected.

It is with that in mind that this report is released.

This report is the first attempt by the Columbia Police Department to be released electronically, and in a multimedia format. It includes links to still photographs, video clips and also contains a short Microsoft Powerpoint Presentation.

Acronym Definitions:

TASER: Thomas A. Smith Electric Rifle, the original name given to what is now more commonly known as a "Taser," and written as a noun, rather than an acronym. The TASER is a Conducted Energy Device or CED. Proper vernacular usage maintains acronym, in all capital letters.

LASER: Also an acronym, each TASER is equipped with a combination flood light and LASER sight, which projects a red dot onto the target. (Light Amplification by Stimulated Emission of Radiation.)

LIDAR: Light Detection And Ranging. LASER based speed and distance measuring device. For the purposes of this report, used to accurately measure distances involved.

P.I.: Columbia Police Department Procedural Instruction.

G.O.: Columbia Police Department General Order.

S.O.G.: Columbia Police Department Standard Operational Guideline. Newer term that is replacing the terms above, during the ongoing updating process of the Columbia Police Department body of internal policies.

CNT: Columbia Police Department Crisis Negotiations Team.

SWAT: Columbia Police Department Special Weapons and Tactics team.

Detailed Time Line of Incident with photos and video clips

10:11 hours

Public Service Joint Communications (PSJC) received a call regarding a suicidal subject. This information was dispatched to Officer [REDACTED]. Officer [REDACTED] and Officer [REDACTED] responded as back-up units. PSJC reported a complaint was received from Shirley Jones stating a male subject who lives at a brick house on Worley St at Banks Ave. was threatening to jump off of the MO 163 (Providence Rd) Bridge and kill himself. She described the house as red brick and is next to a white house with a boat parked in the back. Ms. Jones reported his name was Phillip McDuffy. She reported he was a black male who might be wearing a Hardee's yellow uniform. She advised he may be violent and she did not know if he was in possession of any weapons. Shirley Jones reported she is the aunt of Mr. McDuffy and he had just called her and was threatening to jump.

10:20 hours

Officer [REDACTED] notified PSJC Mr. McDuffy is known to resist officers and to have weapons.

Officer [REDACTED] requested a TASER operator respond to assist. Officer [REDACTED] reported he was a TASER Operator.

10:21 hours

Officer [REDACTED] drove under MO 163 (Providence Rd) overpass and did not see anyone.

Officer [REDACTED] advised Mr. McDuffy is a caution indicator 3 and is known to smoke PCP.

10:25 hours

Ms. Jones reported Mr. McDuffy had just called back and said he was still at his house but she did not know his address or phone number. She relayed he might also be on the walkway overpass near Stadium but was not sure.

10:32 hours

Officer [REDACTED] stated they were unable to locate him yet and the medics could disregard response.

10:34 hours

Officer [REDACTED], Officer [REDACTED], Officer [REDACTED] advised they were out at 309 W. Worley St. and were unable to locate Mr. McDuffy. This is the address of Shearley Taylor.

10:37 hours

PSJC received a call from [REDACTED] [REDACTED] at [REDACTED]. He reported a black male with a white striped shirt and blue jeans was sitting on the outside of the fence on MO 163 (Providence Rd) at I-70. He advised he had his feet hanging from the bridge and had some luggage with him. [REDACTED] stated the subject was facing eastbound over I-70. The phone number provided by PSJC was out of service.

10:38 hours

PSJC advised they were getting a call of a black male on the outside of the pedestrian overpass to I-70.

10:39 hours

PSJC received another call from Tiger Taxi advising it looked like the subject is "getting ready to jump."

10:41 hours

Officer [REDACTED] [REDACTED] reported Mr. McDuffy was over the westbound lane and was standing on the bridge. He requested officers respond to the bridge. Officer [REDACTED] stated he was enroute to slow down traffic at MO 763 (Range Line St). Officer [REDACTED] requested a supervisor be notified. PSJC notified Sergeant [REDACTED] who advised he was en route.

10:42 hours

Officer [REDACTED] [REDACTED] and Officer [REDACTED] [REDACTED] arrived on scene. Upon their arrival Mr. McDuffy was observed on his knees praying on the east support outside beam for the pedestrian walkway.

Officer [REDACTED] positioned his patrol vehicle on the entrance ramp onto I-70 eastbound at MO 163 (Providence Rd). He positioned it so the patrol video camera captured Mr. McDuffy on the bridge. Officer [REDACTED] requested Channel 2 be restricted for the incident. [photo 1](#)
[video 1](#)

Officer [REDACTED] was shutting down traffic for I-70 westbound.

Other officers are enroute to this location.

10:43:44 hours

Officer █████ yelled at Mr. McDuffy asking if he could talk with him. Mr. McDuffy did not respond to Officer █████'s request. [video 2](#)

10:45: hours

Officer █████ began speaking with Mr. McDuffy. He was the first officer to have contact with Mr. McDuffy. During the review interview Officer █████ stated he asked Mr. McDuffy to speak with him and Mr. McDuffy stated, "No, I just want to die." Officer █████ stated he asked Mr. McDuffy what was wrong and Mr. McDuffy stated, "I ain't got nothing to say." [photo 2](#)

10:45:22 hours

Mr. McDuffy begins praying while on the bridge.

10:47:30 hours

Mr. McDuffy threw his bandana off the bridge onto I-70 westbound. Officers had already diverted traffic from I-70 to prevent him from being struck by or striking vehicles traveling on I-70.

[photo 5](#) [photo 6](#)

10:47:43 hours

Sergeant █████ █████ began speaking with Mr. McDuffy. Sergeant █████ is a former member of the Crisis Negotiation Team (CNT) who has been trained in negotiating with suicidal subjects. Mr. McDuffy stated "if you touch me I will go." He stated, "It's over man, it's over man." [video 3](#)

10:49:00 hours

McDuffy prays while standing.

10:49:37 hours

Officer █████ advised people from cars are yelling at the suspect. During the review process it was learned they were yelling at Mr. McDuffy to jump and were cursing at him.

Sergeant █████ notifies █████, who was out of town. █████ advises him to contact Captain █████, which he did.

10:51:38 hours

Sergeant █████ █████ arrived on the bridge and assumed the role of negotiator as he is a current member of CNT.

10:52:31 hours

Officer [REDACTED] provided his vehicle microphone to Sergeant [REDACTED] [REDACTED] with the intent to allow the negotiations to be captured on audio.

[video 4](#)

1053:21 hours

Officer [REDACTED] arrives and assumes the position of co-negotiator. [photo 3](#)

Officer [REDACTED] remains on the bridge close to the negotiators with his weapon drawn as he believed Mr. McDuffy may be in possession of a weapon. This was because he saw a bulge over his left hip area.

[photo 4](#) [photo 7](#)

All other officers, Detectives, Sergeants, Lieutenant [REDACTED] [REDACTED], Missouri State Highway Patrol, Columbia Fire Department and Missouri Department of Transportation arrived shortly thereafter. Captain [REDACTED] [REDACTED] arrived on scene at approximately 1100 hours.

11:06:20 hours

Command post arrived on scene

Negotiations were ongoing from the time Officer [REDACTED] made contact with Mr. McDuffy until the end of the incident. During the course of the negotiations Mr. McDuffy made statements which lead officers to believe he was serious about committing suicide. At times Mr. McDuffy was very animated and would wave his arms, yell and talk with negotiators. At other times he would ignore them. [video 5](#)

[photo 8](#)

The negotiations began with Mr. McDuffy wanting to see his five year old daughter. Mr. McDuffy said, "Tell her I'm sorry for what I did." He further stated, "I need help." He reported he had three partners die of bad hearts and he has a bad heart. He stated, "It's over with, if I'm gonna die I'm gonna die at my own hands." Officers attempted to locate Shearley Taylor, the mother of his five year old daughter. Mr. McDuffy stated "If she ain't here in 20 minutes I am gonna get this thing over with." Negotiators attempted to get him to leave the support beam to speak with his daughter. McDuffy stated "This is the only way out." "Fuck this life" and, "What is there to live for?" He stated, "My life is over with." Later, he said, "I'm not playin, I'm finished." He further adds right after this comment, "If I shoot myself and don't die, what you all gonna do? Pick the gun up and if I don't die, I got 15 to 20 years in a prison."

11:33:10 hours

Officer [REDACTED] makes contact with Mr. McDuffy and discusses making arrangements for him to see Shearley Taylor. Officer [REDACTED] leaves to talk with Shearley Taylor to see if she would be willing to stand where Mr. McDuffy could see her and wave to him. [video 6](#)
[video 7](#) [video 8](#)

11:43:43 hours

Mr. McDuffy moved from the initial location where negotiations were taking place. Sergeant [REDACTED] advised Mr. McDuffy Shearley Taylor had arrived and was with Officer [REDACTED] several feet south of the bridge.

11:44:08 hours

Mr. McDuffy stopped moving south prior to reaching the south end.

11:44:32 hours

Columbia Fire Department Battalion Chief [REDACTED] pulled his department vehicle behind command post in close proximity to where negotiations were taking place.

11:44:44 hours

Mr. McDuffy quickly walked north on the walkway support beam stopping at the far north side of the eastbound lanes of I-70. As he was walking north he was yelling at Sergeant [REDACTED] [REDACTED] who was attempting to retrieve his property. [video 9](#)

11:46:24 hours

Mr. McDuffy walked south and stopped over the eastbound lanes of I-70.

11:46:49 hours

Mr. McDuffy walked northbound and stopped over the north end of the eastbound lanes of I-70.

11:47:37 hours

Mr. McDuffy climbed the outer east side of the fence covering the pedestrian walkway.
[photo 9](#) [video 10](#)

11:47:51 hours

Mr. McDuffy sat down on the top of the fence.

11:49:57 hours

Mr. McDuffy climbed down the fence and walked to the south end of the bridge.

11:50:49 hours

Mr. McDuffy crossed over to the west side of the bridge onto the west side support beam placing him over the eastbound lanes of I-70.

[photo 10](#)

Sergeant [REDACTED] advised around this time he had a conversation with Sergeant [REDACTED] [REDACTED] about the use of the TASER. He reported Sergeant [REDACTED] told him he would not approve of TASER use due to McDuffy's height.

11:50:53 hours

Mr. McDuffy walked northbound placing himself over the eastbound lanes of I-70.

11:52:23 hours

Officer [REDACTED] requested PSJC contact Sergeant [REDACTED] [REDACTED] and have him call him on his cell phone.

11:52:45 hours

Sergeant [REDACTED] received phone call from Officer [REDACTED]. Interviews with Sergeant [REDACTED] and Officer [REDACTED] revealed they formulated a plan for Officer [REDACTED] to cross under the bridge wherein Officer [REDACTED] would be on the southeast side of the pedestrian bridge. The plan was for Officer [REDACTED] to be positioned out of sight where he could intervene at a safe location should Mr. McDuffy return to the south end of the bridge. The intent was to prevent Mr. McDuffy from returning to the support beam without putting Mr. McDuffy or Officer [REDACTED] at risk. The plan was for Officer [REDACTED] to call Sergeant [REDACTED] once he was in place. Sergeant [REDACTED] would call Officer [REDACTED] when Mr. McDuffy came to the south end of the bridge.

11:55:00 hours

Officer [REDACTED] and Officer [REDACTED] crossed over I-70 under MO 163 (Providence Rd) from the north side to the south side. Officer [REDACTED] and Officer [REDACTED] moved undetected by Mr. McDuffy as they were directly under the bridge and out of sight of Mr. McDuffy. They took positions on the southeast side of the bridge. Officer [REDACTED] was hiding behind a cement wall in some bushes. Officer [REDACTED] was

poised to receive a phone call from Sergeant [REDACTED] advising him when it was safe for him to intercede. Officer [REDACTED] was directly under the pedestrian bridge in a position to provide back up for Officer [REDACTED].

[video 11](#)

11:55:41

Sergeant [REDACTED] walks north on the east side of the command post and proceeds to the west side.

11:55:43 hours

Officer [REDACTED] [REDACTED] entered the area of negotiations and speaks with Mr. McDuffy. During the review interview Officer [REDACTED] stated he was trying to get Mr. McDuffy to come off the south end of the bridge to talk with Shearley Taylor. Interviews with Officer [REDACTED] and Sergeant [REDACTED] confirmed they were attempting to get Mr. McDuffy to walk off the south end of the bridge. All three advised they were unaware of the plan established by Officer [REDACTED] and Sergeant [REDACTED].

[video 12](#)

11:56:32 hours

Sergeant [REDACTED] appears on video on the east side of the command post south of McDuffy's location.

11:56:33 hours

Officer [REDACTED] called Sergeant [REDACTED] advising he was in position.

Mr. McDuffy is still on the west side support beam for the pedestrian walkway over I-70 eastbound lane.

11:58:02 hours

Officer [REDACTED], Sergeant [REDACTED], and Officer [REDACTED] are still trying to persuade Mr. McDuffy to walk south to come off the bridge to see Shearley Taylor. Officer [REDACTED] leaves to talk with Shearley Taylor.

[video 13](#)

12:00:29 hours

Mr. McDuffy started moving back towards the south end of the bridge. Officer [REDACTED], Sergeant [REDACTED] and Officer [REDACTED] walked south with him. He paused about halfway and looked around.

12:00:47 hours

Mr. McDuffy stops

12:00:47 hours

Officer [REDACTED] walks south beyond the bridge to make contact with Shearley Taylor.

12:01:00 hours

Sergeant [REDACTED] is on phone with Officer [REDACTED].

12:01:15 hours

Sergeant [REDACTED] made contact with Captain [REDACTED] to inform her Mr. McDuffy was going to walk to the south end of the pedestrian bridge. According to Sergeant [REDACTED], Captain [REDACTED] advised if Mr. McDuffy got to the south end in a "safe location" it was okay to deploy a TASER on Mr. McDuffy. She directed that it was okay as long as he was in a safe location.

12:02:00 hours

Sergeant [REDACTED] makes contact with Sergeant [REDACTED]. Interviews with Sergeant [REDACTED] and Sergeant [REDACTED] revealed Sergeant [REDACTED] had a conversation with Sergeant [REDACTED] about the use of the TASER. Sergeant [REDACTED] advised Sergeant [REDACTED] told him Captain [REDACTED] gave authorization to use the TASER if he got past the southern most bolt. Sergeant [REDACTED] reported he advised Sergeant [REDACTED], Captain [REDACTED] has given the go ahead to TASER McDuffy after he was in a safe location. Sergeant [REDACTED] reported he did not remember any specific point/bolt he only knew McDuffy had to get to a safe location and not on the bridge.

12:02:14

Sergeant [REDACTED] walked south and spoke with Mr. McDuffy to try to get him to walk to the south end of the bridge.

12:02:20

Mr. McDuffy walked south along side of Sergeant [REDACTED]

12:02:29 hours

Mr. McDuffy sat down on the cement wall on the southwest corner of the pedestrian walkway. The distance from the top of the support beam to the ground below is approximately three feet.

12:02:30 hours

Sergeant [REDACTED] deployed his TASER at Mr. McDuffy. It was not a successful deployment as both probes did not strike Mr. McDuffy. Sergeant [REDACTED] stated in the review interview he was unable to see the red LASER dot used for aiming the TASER due to bright sunlight.

This required him to utilize the open pistol sights on the top of the TASER. Sergeant [REDACTED] stated he did not believe a fall from this height would cause a risk of serious injury or death to Mr. McDuffy. [photo 11](#) [video 14](#) [video 15](#) [video 16](#)

As Sergeant [REDACTED] was deploying his TASER Sergeant [REDACTED] ran towards McDuffy in an attempt to secure him in case the deployment was successful. Sergeant [REDACTED] stated in the review interview he was doing this to secure Mr. McDuffy as they thought he may have a weapon and to prevent him from rolling down the embankment.

Mr. McDuffy reacts to the TASER deployment by standing up and moving quickly north on the walkway support beam.

The video shows Sergeant [REDACTED] putting his leg over the cement wall on the west side of the bridge at the same time yelling, "GET HIM! GET HIM!"

In the review interviews, Sergeant [REDACTED], Sergeant [REDACTED], and Captain [REDACTED], all stated they believed Mr. McDuffy was going to return to the highest point on the bridge and jump, thereby committing suicide.

12:02:31 hours

Officer [REDACTED] [REDACTED] observed the TASER deployment was unsuccessful and is observed drawing her TASER from her holster.

12:02:33 hours

Officer [REDACTED] [REDACTED] attempted to deploy her TASER. This attempt is unsuccessful. Officer [REDACTED] in the review interview stated she observed the unsuccessful deployment by Sergeant [REDACTED] and Mr. McDuffy was moving north over the bridge. Officer [REDACTED] reported she believed Mr. McDuffy was going further north over the interstate and jump. She advised she activated her TASER and "pushed the button" and it did not deploy, and she "pushed the button" again and it did not deploy. In a follow-up interview with Officer [REDACTED] she admitted she could have failed to activate the TASER before attempting to deploy it.

Sergeant [REDACTED] yells, "Do it, do it, go ahead!" In his interview Sergeant [REDACTED] advised he was not aware of Officer [REDACTED]'s location. Sergeant [REDACTED] reported he did observe Officer [REDACTED] and Officer [REDACTED] walk under the bridge but did not know where they were or that there was a plan in place for them to intervene. He did not know

if Officer [REDACTED] or Officer [REDACTED] were in a position to deploy their TASER. Sergeant [REDACTED] reported he was yelling at Officer [REDACTED] to deploy her TASER.

12:22:35 hours

Officer [REDACTED] deployed his TASER. Officer [REDACTED] in the review interview reported he was under the main portion of the pedestrian bridge on the east side. He advised within minutes of his arrival under the bridge he heard raised voices and yelling indiscriminately. He stated he could not understand what was being said. He reported he distinctly remembered hearing a TASER being deployed. He advised he heard a male's voice yell, "get him, get him!" He reported he thought Mr. McDuffy was going to be running down the embankment towards him. He reported in order to prevent his escape he drew his TASER and took a few steps toward the west. He advised he did not see Mr. McDuffy. He stated he could still hear people yelling. He advised he turned and looked up and observed Mr. McDuffy running just north of his location on the support beam. He advised he raised his TASER up and Mr. McDuffy was somewhere between 5 to 10 feet off the ground when he made his first attempt at deployment. Officer [REDACTED] advised he believed Mr. McDuffy was going to go out to the highest point on the bridge and "jump off and kill himself and I needed to stop him." Officer [REDACTED] reported his TASER did not deploy so he deactivated and reactivated it. He reported while he was doing this he heard Sergeant [REDACTED] say, "Go ahead, do it do it!" Officer [REDACTED] advised he deployed his TASER and both probes made contact. He advised the second deployment had the desired effects. He stated Mr. McDuffy locks up while holding onto the fence. He reported Mr. McDuffy slowly falls onto the beam and rolls off the beam onto the pavement below.

12:02:37

Mr. McDuffy fell onto the support beam. [video 14](#)

12:02:38

Mr. McDuffy rolls off support beam and falls to the pavement. Officer [REDACTED] reported as Mr. McDuffy was falling he moved into a position close to where Mr. McDuffy would fall so he could secure him, render aid, and search him for weapons.

12:02:39

Mr. McDuffy lands on the pavement and rolls down the embankment. Officer [REDACTED] reported he made contact with Mr. McDuffy at the bottom of the embankment. He advised he broke the wires and pulled the probes as paramedics were on scene to assist

[photo 12](#)

Officer [REDACTED] arrives to assist Mr. McDuffy. Officer [REDACTED] [REDACTED], Sergeant [REDACTED], Sergeant [REDACTED], other officers, paramedics and Columbia Fire Department arrived seconds later. **[photo 13](#)** **[photo 14](#)**

Measurements

Sergeant Jones and I reviewed the photos, videos, and the scene several times. After viewing the video numerous times, new measurements were taken at the scene to more accurately reflect the distances involved. All measurements are approximations. Sergeant Jones and I used a LIDAR unit at the scene to obtain the measurements.

Mr. McDuffy sat on the concrete support block for the I-beam on the southwest corner of the bridge.

It is a 3.1 foot drop from the I-beam to the ground below. This is where Sergeant [REDACTED] first tried to deploy his TASER.

Sergeant [REDACTED] was on the vehicle portion of the bridge. There is a 10 foot wide gap between the vehicle bridge and the pedestrian bridge.

Sergeant [REDACTED] was 11.2 feet from Mr. McDuffy when he deployed his TASER.

Mr. McDuffy traveled about 12.5 feet when Officer [REDACTED] tried to deploy her TASER. Officer [REDACTED] was 11 feet from McDuffy when she unsuccessfully tried to deploy her TASER. Mr. McDuffy would have fallen about 8-10 feet if this deployment had been successful.

It is unknown where Mr. McDuffy was when Officer [REDACTED] tried to deploy his TASER the first time.

Mr. McDuffy traveled 26.6 feet from Sergeant [REDACTED]'s TASER deployment attempt until the successful deployment by Officer [REDACTED].

Mr. McDuffy fell 16.8 feet from the I-beam to the concrete slope below. It is a 21.3 foot drop from the middle of the bridge to the roadway below. [photo 15](#) [photo 16](#)

Investigative Interviews

Attempts to Interview Mr. McDuffy, girlfriends at the scene and callers to JCIC:

On 07-31-08, Sergeant Shelley Jones and I (Sgt. Joe Bernhard) went to the University of Missouri Hospital to try and interview Phillip McDuffy. We first contacted hospital security and they escorted us to the 4th floor to Mr. McDuffy's room. We waited in the hallway as hospital staff members were attending to him. While we were waiting, Veina Johnson came out of his room and asked why we were there. I explained to Ms. Johnson we would like to interview her and Mr. McDuffy about the incident. Ms. Johnson went back into the room and talked with Mr. McDuffy.

She returned and said Mr. McDuffy did not want to talk to us. Sergeant Jones asked if we could go in the room and ask him. She returned to Mr. McDuffy's room and when she returned she advised he agreed to meet with us. She reported he did not want any voice recordings. Sergeant Jones and I entered the room and I explained to Mr. McDuffy our purpose for being there. Mr. McDuffy stated "I'm afraid for my life." I asked Mr. McDuffy if this meant he did not want to talk with us and he nodded his head yes. Sergeant Jones and I left the room and Ms. Johnson followed us out. Ms. Johnson stated she did not want to talk to us. She advised she may be willing to speak with us at a later date. She was advised to contact us should she change her mind. Sergeant Jones and I left.

When I returned to my office there was a message on my telephone from Ms. Johnson asking me to call her. Upon calling her she stated she and Mr. McDuffy had talked and they would call me the following week to talk with me but they did not want to talk in person.

On 7-31-08, Sergeant Shelley Jones called and talked to Luan Countryman. Countryman made an appointment with Sergeant Jones to come to the police department on 08-01-08 to be interviewed as part of our investigation. She did not show up or call. Sergeant Jones tried to call Countryman on 08-06-08 and the phone was out of service and not accepting calls.

On 07-31-08, Sergeant Jones called and left a message for Shearley Taylor to call her in reference to being interviewed, Taylor did not called back. Sergeant Jones again left a message for her on 08-06-08 and she did not called back.

On 08-05-08, I called and spoke with Kenny Butler. Butler stated he had been driving in the area of Oak and Sexton when he saw Mr. McDuffy walking. He stated he pulled over and Mr. McDuffy asked for a ride. He stated Mr. McDuffy appeared to be shaking and nervous. He advised Mr. McDuffy stated at one point "I'm tired of dealing with it all." He stated Mr. McDuffy did not say anything about wanting to kill himself. Mr. Butler said when he got by Country Kitchen, Mr. McDuffy asked to be let out of the vehicle. Mr. Butler stated Mr. McDuffy got out and he drove home. He reported once he arrived at home he learned from a relative Mr. McDuffy was on the bridge and he drove back to the area. He stated he talked with Detective [REDACTED] and told him what he knew. He did not have any further information to provide. He stated he did not know about any of Mr. McDuffy's earlier attempts to commit suicide.

While I was talking with Mr. Butler, he stated Shearley Taylor was working alongside him at Burger King. He asked if I wanted to talk with her. I said if she wanted to talk with me I would be glad to speak with her. He advised Ms. Taylor did not want to talk with me.

Sergeant Jones and I have made several attempts to contact Mr. McDuffy, Ms. Johnson, Ms. Taylor, and Ms. Countryman. It does not appear they are willing to be interviewed as part of this investigation.

On 08-08-08, at approximately 1100 hours, I was informed Ms. Johnson was in the lobby of the police department requesting a copy of the police report. I was informed Mr. McDuffy was waiting in a car for her. I learned Ms. Johnson went to the records unit and obtained a copy of the report. Neither Ms. Johnson nor Mr. McDuffy called to be interviewed in regards to this investigation.

On 08-15-08 I attempted to contact the original complainant, Shirley Jones, via telephone. I was unable to make contact but spoke with Keisha Pitts. Ms. Pitts advised she would give Ms. Jones the message to call me. Ms. Jones has not called to meet with us.

While speaking with Ms. Pitts she reported she was present when Ms. Jones contacted PSJC. She advised they all grew up together and Ms. Jones is like his aunt. She stated he is "just like family to us" and we know him "real good." Ms. Pitts stated they were at her house when Mr. McDuffy called. She stated Ms. Jones could not even get in the shower because Mr. McDuffy kept calling. She reported every time Ms. Jones would get on the phone with Mr. McDuffy he would start crying.

She stated Ms. Jones tried to call Burger King and let Shearley Taylor know he was threatening to kill himself because she left him. Ms. Pitts reported Ms. Jones was calling the wrong number. Ms. Pitts advised Ms. Jones said she had to call the police. She advised Ms. Jones told Mr. McDuffy the police were on the way so he hung up. Ms. Pitts stated she reported Mr. McDuffy called about ten times.

She stated he wanted Shirley to call Verna Mae Jones, another aunt, and tell her he loved her. Ms. Pitts stated Ms. Jones started running around the house and said he was really going to do it, kill himself. Ms. Pitts advised he kept calling them and was upset and crying. Ms. Jones advised she called Burger King and obtained a number for the Burger King where she works. She stated Ms. Jones told Ms. Taylor she needed to get home because, "Mac", Mr. McDuffy was going to kill himself. Ms. Pitts advised Mr. Duffy was already on the bridge by the time they made contact with Ms. Taylor.

Ms. Pitts reported when they arrived on the scene the police would not let them speak with Mr. McDuffy. She stated Mr. McDuffy was yelling from the bridge that Ms. Taylor was the one who caused him to be on the bridge. Ms. Pitts advised Mr. McDuffy was yelling at Ms. Jones blaming her for calling the police. Ms. Pitts advised Ms. Jones was trying to get him down. She stated Mr. McDuffy said, "You are the motherfucker that's calling me doing this shit." Ms. Pitts reported when Ms. Jones called the police they asked her if he was dangerous. She stated Ms. Jones told him he used to be but he has changed.

According to Ms. Pitts Shirley Jones learned Mr. McDuffy heard all these rumors about her and she was just trying to save his life. Ms. Pitts reported Ms. Jones told Mr. McDuffy if he did not stop threatening her she was going to call the police. She reported Ms. Jones did call the police and said he was going around telling everyone she called. She stated Ms. Jones did not want to speak with Mr. McDuffy. Ms. Pitts stated the night before he was on the bridge he planned how he was going to jump off the bridge.

Incident Resources Necessary at Scene

There were a total of 33 members of the Columbia Police Department who responded to the call which accounts for 21 percent of the entire police department's sworn strength.

Assistance was obtained from the six members of the Columbia Fire Department, three paramedics with University Hospital, two Missouri State Highway Patrol Troopers and one employee from the Missouri Department of Transportation. The total number of personnel involved was 45.

Traffic Concerns

Captain [REDACTED] is the commander of the Traffic Unit and has served in this capacity for 5 1/2 years. She is aware of the impact on traffic which resulted from Mr. McDuffy's action. According to MoDOT closing a major interstate has a statewide impact on traffic. When they close a major highway they must divert traffic as far away as Kansas City and St. Louis to lessen the impact.

Missouri Department of Transportation (MoDOT) was contacted in reference to the amount of vehicles traveling on I-70 and Mo 163 (Providence Rd) during the time period of this incident. MoDOT advised the statistics are outdated (February – April 2006) but could still be used to obtain an estimate. I was advised the actual counts are probably higher as traffic flow has increased over the past two years.

MoDOT advised 28% of the vehicles on I-70 at any given time were large trucks or semi tractor-trailers.

I reviewed the data and found approximately 6,000 vehicles were stopped or diverted on I-70 in both the east and west bound lanes combined during the incident. I found approximately 2,000 vehicles were diverted or stopped on both the north and southbound lanes of at MO163 (Providence Rd) at I-70 during the incident.

There was one serious accident on I-70 eastbound at Perche Creek where a vehicle was rear-ended by a semi tractor trailer. No one was seriously injured.

Policies and Procedures for "Code Red" situations

PI-23 and GO-69 define "Code Red Situations" as any incident where an officer or citizen is subjected to sniper attack, confronted by a barricaded person, faced with a hostage situation, or any situation in which there is a high risk of death or serious physical injury to an officer or citizen.

They defines the Tactical Unit; as a specialized unit consisting of the SWAT team and the CNT.

Responsibilities of the Watch Commander per PI-23 include:

1. It is the primary responsibility of the Watch Commander to resolve "code red" situations by employing the tactical unit.
2. Will evaluate the incident and determine if it should be declared a "code red" situation.
3. Will advise the acting Watch Commander to initiate a call-out of the tactical unit.
4. Establish a central command post/assembly area which is out of sight of the suspect, close enough to be practical and large enough to park fifteen vehicles and the mobile command center.
5. Should ensure interaction between himself and the Tactical Unit.
6. Have the final authority on negations decisions, have the final authority for the use of force and/or chemical munitions against the suspect.

Responsibilities of Tactical Unit per PI-23 include:

SWAT team responsibilities:

Assume responsibility for the inner perimeter, entry, and any subsequent apprehension of the suspect.

The SWAT team Commander will act as an advisor to the "code red" commander who is the Watch Commander.

CNT team responsibilities:

Establish direct communications with the suspect as early in the incident as possible.

Limit the number of persons who attempt to negotiate with the suspect. Be certain the suspect knows which whom he/she is negotiating with at all time.

Conduct assessments of the suspects' willingness and ability to negotiate, along with his/her rationality.

G0-69 provides the following guidelines:

Situations considered as a "code red" and requiring use of tactical team (SWAT and CNT) are:

Barricaded subjects (including armed and suicidal persons)

Civil disturbance

High risk search/arrest warrants

Hostage situations

High risk pre-planned arrests

Sniper situations

V.I.P. protection

Other situations as determined by the Watch Commander.

The Tactical Unit is comprised of the SWAT team and the CNT team.

When activated the Tactical Unit as a whole will be deployed.

The Tactical Unit will be utilized in situations as set forth as defined above.

CNT operational manual

The primary responsibility of the CNT will be to peacefully resolve critical incidents by application of developed communication skills and specialized training to positively influence the outcome. Incidents which meet these criteria include, but are not limited to, the following:

Hostage situations

Barricade situations

Armed Robbery

Kidnapping

Domestic disputes

Suicide intervention

Violent or Mentally Disturbed Suspects

Responsibilities of the CNT Commander during a “code red” situation:

- Reports directly to the “Code Red” Commander
- Assumes responsibility for all CNT operations
- Coordinates with other command personnel the need for assistance from other agencies/departments
- Coordinates with the CNT leaders or supervisors on strategies, orders and safety issues around the Command Post and Negotiation Post
- Responsible for team member selection

Responsibilities of Primary Crisis Negotiator

- Is under the direct supervision of the Negotiation Supervisor.
- Ensure the trust of the barricaded suspect or hostage taker not to cure his illness or problems
- Maintain active listening skills with the barricaded suspect or hostage taker for the purpose of gauging the propensity for violence either to himself or hostage.
- Relay all demands to the Negotiation Supervisor. It should not be assumed commanders are actively listening to the negotiation.
- Listen and receive input and suggestions from the secondary negotiator (coach).
- Maintain negotiation skills through regular participation in scheduled training.

Responsibilities of Secondary Negotiators

- Reports directly to the Negotiation Supervisor
- Provides the primary negotiator with topics of discussion to use during negotiations
- Provides emotional support and develops direction of the negotiator
- Formulates questions, seeks intelligence and monitors negotiations
- Ensures all pertinent information obtained during the negotiations is appropriately recorded in detailed contemporaneous notes.

SWAT operational manual excerpted (Section 300, Operational Philosophy)

Safety Priorities

1. Hostages
2. Innocent Persons/Citizens
3. Police Officers
4. Suspects/Subjects

The primary responsibility of the Special Weapons and Tactics (SWAT) Team will be the resolution of difficult police situations outside the realm of ordinary patrol response, through the use of developed skills, tactics and specialized equipment/capabilities. Incidents which meet these criteria include, but are not limited to:

Barricade situations: A stand-off created by an armed or potentially dangerous person, in any location, fortified or not, who is refusing to comply with police demands for surrender/compliance.

The dynamics of a situation relinquish control to the suspect, who usually knows what he/she is going to do. The SWAT Team will attempt to use tactics and contingency planning to have options in place to achieve a successful tactical resolution.

Negotiations

Face to face negotiations were necessary in this incident because of Mr. McDuffy's location. Because of the necessity of face to face negotiations, the commanders in the command post could not hear negotiations. Noise from traffic compounded the communications problem as it was difficult to have a conversation without yelling across the walkway.

The Watch/Incident Commander, the CNT Commander and the CNT Supervisor did not effectively communicate. They did not stay together in the command post during the incident.

Sergeant [REDACTED] [REDACTED] and Officer [REDACTED] [REDACTED] established a plan to subdue Mr. McDuffy if he moved to a location where it was safe to intervene. Captain [REDACTED] was informed of this plan and gave authorization to Sergeant [REDACTED] to proceed. Sergeant [REDACTED] was aware Officer [REDACTED] and Officer [REDACTED] were under the bridge but he was not aware of any plan for them to intervene. When Sergeant [REDACTED] made contact with Captain [REDACTED] he was informed if Mr. McDuffy moved to a safe location authorization had been given to deploy a TASER on him. Sergeant [REDACTED] contacted Sergeant [REDACTED] and advised he could use a TASER on Mr. McDuffy should he get to a safe location. Officer [REDACTED] was in a tactical position to deploy his TASER. Sergeant [REDACTED] was giving Officer [REDACTED] orders to use a TASER on Mr. McDuffy when Sergeant [REDACTED] deployed his TASER.

Based on preliminary information Mr. McDuffy may be in possession of a weapon, extra police officers were needed in close proximity to him as lethal force cover, for the safety of the negotiators. This is not a desirable position from which to negotiate.

Findings:

After a thorough investigative review of the incident and reviewing Columbia Police Department General Order 88 (Use of Force), Standard Operating Guideline 17.05 (TASER X-26 Conducted Energy Weapon), and Columbia Police Departmental Safety Priority Guidelines, the deployments of the TASER by Sergeant [REDACTED] and Officer [REDACTED] are proper. Standard Operating Guideline 17.05 states officers may use the TASER to subdue a person whom the officer is otherwise justified in using force against when a person is threatening his or herself or others with bodily harm and appears reasonably able to carry out the threats. It further adds the officer can deploy the TASER if the officer believes, based on specific and articulable facts, that attempts to subdue the person using lesser force options are likely to be ineffective and the officer believes, based on specific and articulable facts that it would be extremely dangerous for officers to come within close proximity of the person.

Mr. McDuffy during this incident indicated through his words and actions he was going to jump off the bridge and kill himself. Mr. McDuffy clearly had the means available as he was standing on the outside of the pedestrian bridge over I-70. It further would have been extremely dangerous for officers to attempt to physically overpower him as he was on the bridge and possibly armed. This would have violated Department Safety Priorities and placed Mr. McDuffy's safety above the officers, and concurrently, officers' safety below that of Mr. McDuffy.

Other force options such as pepper spray and batons were ruled out. They would have required close proximity to Mr. McDuffy and would be ineffective or dangerous to Mr. McDuffy and the officers involved. Winds could have affected accuracy of the pepper spray, as well as cross-contamination, and baton strikes would have required very close proximity to McDuffy, in violation of department safety priorities.

The TASER was the best available use of force option as it could be deployed from a distance and immobilize Mr. McDuffy. Standard Operating Guideline 17.05 (TASER X-26 Conducted Energy Weapon) states the Use of the TASER, as with all uses of force, must be objectively reasonable and necessary when considering the totality of the circumstances. It states unless there are compelling reasons that can be clearly articulated, officers shall not use the TASER when the subject is in a position where a fall would likely cause serious injury or death.

Sergeant [REDACTED] deployed his TASER when Mr. McDuffy was in position where he would only fall approximately three feet. Sergeant [REDACTED] deployed his TASER in an attempt to take a subject into custody who was threatening to harm himself and had the means readily available to do so. Unfortunately, the deployment was not successful as both probes did not strike Mr. McDuffy. Sergeant [REDACTED], believing Mr. McDuffy was going out over the bridge to jump off, yelled for other officers to intervene.

Sergeant [REDACTED] [REDACTED], who is Officer [REDACTED]'s supervisor, saw Mr. McDuffy heading north on the support beam and believed he was going to jump. He yelled to Officer [REDACTED] to deploy her TASER. Officer [REDACTED] was standing on the MO 163 (Providence Rd) Bridge. Officer [REDACTED] was unable to deploy her TASER due to probable officer error. Had this deployment been successful, Mr. McDuffy would have fallen approximately 8 to 10 feet.

Officer [REDACTED] heard Sergeant [REDACTED] yelling to deploy a TASER. Officer [REDACTED] believed Mr. McDuffy was returning to the middle of the pedestrian bridge support beam to jump off and kill himself. Based on this, Officer [REDACTED] attempted to deploy his TASER. This deployment was unsuccessful as his TASER was not activated. Officer [REDACTED] deactivated and reactivated his TASER and successfully deployed it. Although Mr. McDuffy was in a position to fall from a greater height than when Sergeant [REDACTED] deployed his TASER, Officer [REDACTED] believed Mr. McDuffy was going to jump and he had the duty to prevent him from doing so.

McDuffy was traveling north on the pedestrian walkway support beam when struck by Officer [REDACTED]'s TASER probes. Whether or not he would have jumped is speculation. Officer [REDACTED] believed he was going to jump from a greater height and he believed his TASER deployment would prevent Mr. McDuffy from killing himself.

Executive Summary

This incident is defined in Columbia Police Department policy two ways:

- As a Critical Incident
- As a Barricade Situation

A critical incident is any difficult police situation that requires resolution outside and beyond normal patrol response.

Barricade situation: A stand-off created by an armed or potentially dangerous person, in any location, fortified or not, who is refusing to comply with police demands for surrender/compliance.

The normal procedure for the resolution of these incidents is to declare a "CODE RED." This is done usually at the command level, however can be done by anyone at the line supervisor level if circumstances so dictate.

The command structure then becomes as follows:

CRITICAL INCIDENT COMMAND STRUCTURE



The resolution of the event then is a combination of input from the SWAT Commander and CNT commander to the Code Red Commander, who has final approval over plans to conduct a planned rescue or intervention.

The Code Red Commander is usually always the patrol division commander, a captain rank officer. Captain [REDACTED] was out of town on Friday July 25, 2008, and Captain [REDACTED] was the acting patrol commander on that date.

Captain [REDACTED] did not declare a Code Red. She declined to have a formal SWAT component present.

Tactical Philosophy Regarding Resolution

The Columbia Police Department subscribes to a method of critical incident management that is recognized nationally called Safety Prioritization.

It is a matrix of the prioritization of the safety of individuals involved in a situation that has as its successful management core, the maintaining of the safety of persons involved in the numerical order of 1 through 4.

This matrix is as follows:

1. Hostages
2. Innocent Involved Citizens
3. Police Officers
4. Suspect/Subject

Since no hostages were involved in this incident, the successful management of this event depended on keeping 2-4 in the order above.

That made our first responsibility to the general public who were involved by their proximity to Mr. McDuffy.

Secondly, the safety of police officers involved, made close contact techniques or weapons unfeasible and against policy. This would have had the effect of placing the priority of our safety below that of Mr. McDuffy.

Lastly, Mr. McDuffy, who was at the center of this event, and necessitated the police, fire and EMS response, was considered fourth in this order.

Of additional consideration was the negative impact on the emergency services for the rest of the city of Columbia, as well as the impact on the entire State of Missouri and beyond with respect to the near-complete shutdown of traffic on a major interstate highway. This shutdown was necessary as part of our first responsibility to protect the safety of those innocent civilians at number two on the matrix.

The general philosophy of the Columbia Police Department is that of de-escalation, in all encounters, absent a compelling reason to do otherwise.

The Columbia Police Department had a compelling reason to attempt to take Mr. McDuffy into custody, after a reasonable negotiation period. Mr. McDuffy made several verbal threats to end his life, as outlined in this report.

Once he moved to the end of the bridge, where he was not in immediate danger of falling a great distance, a TASER was used, albeit ineffectively, to attempt to take McDuffy into custody without injury.

Once he realized that intervention was taking place, he made the decision to move to higher ground, rapidly. Involved officers had very little time to react, and a reasonable conclusion would have been that McDuffy was at that time moving to end his life. Since he declined to be interviewed as part of this investigation, we cannot know what his intentions were, apart from what he stated they were on that day.

There were three more unsuccessful TASER deployments before the final effective one, only 5.2 seconds after the first. (three separate trigger pulls that result in no probe deployment) In that short time, the officers involved had almost no time with which to react, and they attempted at that point to stop him from ending his life. Case law holds that officers may only be judged on facts known to them at the time they act.

Command and Control Issues

It is clear from this investigation that the first TASER shot was a surprise to many involved. Miscommunication occurred, in that command decisions to ultimately employ the TASER were discussed in open air, with Sergeant [REDACTED] hearing that TASER was authorized, but not hearing that an organized intervention was being planned on the part of other officers.

His actions caused quick reactions on the part of other involved officers; however, they were at a significant tactical disadvantage, given the surprise of the first TASER deployment.

Had SWAT and a SWAT Commander been present, they would have been tasked with actually carrying out the planned intervention, and contributing the method of intervention to the Code Red Commander, for approval/denial. As it was, the Incident Commander that day was necessarily at least partially responsible for devising a tactical intervention, and our policy is designed to prevent that being necessary, with the declaration of a Cod Red for critical incidents.

TASER deployment failures

The first TASER deployment failed due to both probes not striking McDuffy. LASER sight invisibility in bright sunlight on black shirt is likely reason for miss. Second TASER deployment failure likely due to fast draw from weak side and officer not reflexively activating device. This is not routinely trained, as most TASER deployments are not made in fast-draw fashion. This is likely reason for third deployment failure by Officer [REDACTED] before he activates and successfully deploys.

Despite deployment failures, the reactions of the intervening officers, even with surprise, are extremely rapid, with there being three ineffective deployment attempts between the first, and the last, in a period of 5.2 seconds. This is remarkable, given the relative surprise nature of the first deployment.

Agency Future Directives

The Columbia Police Department shall at future critical incidents, not hesitate to declare a "Code Red", if events warrant it.

Further, Command Staff, when declaring a "Code Red," will not in the future decide the level of tactical or negotiation presence, apart from policy, based on individual circumstances. There may be times when full deployment of both teams may not be necessary or desirable. Policy will be changed to allow for this discretion. Command Staff will be addressing this particular issue.

The lack of an experienced tactical presence at the scene affected the ability to plan for and execute a tactical intervention with contingency planning. Could its presence have guaranteed a positive outcome? Certainly not.

In general, negotiators should not be called upon to tactically intervene, absent a compelling reason to, consistent with safety prioritization. Sergeant [REDACTED] was in a negotiation role that day. He understood from information from Sergeant [REDACTED] that a TASER deployment was authorized. He was not aware however, that a plan, apart from his action was being formulated and considered for implementation. Because of this, when he saw a good opportunity, and within safety prioritization, he acted.

Individual police officers acted properly, under the totality of the circumstances of the events of that day. Rapidly changing events, with durations measured in seconds factored into their decision-making. It is not appropriate or within policy on its face, to deploy a TASER at someone standing on high ground. Our TASER policy specifically prohibits this. However, as has been outlined here, the events of July 25, 2008 do not fit this blanket and static prohibition, and McDuffy was not standing still at a dangerous height when he was first deployed upon.

The time, the information available to them, supervisory directive and belief of subject intentions all had to be considered over the span of seconds. Their attempts to stop him were based on significant interest for and perceived need to prevent McDuffy from achieving his stated goals.

The Columbia Police Department shall at a time as soon as practicable, devise an amendment to TASER training that will include the possibility of rapid deployment from the holster.

The Columbia Police Department shall change relevant policies as necessary to ensure that circumstances and events that warrant Code Red declaration are properly acted upon and the event declared as soon as practicable, under the totality of the circumstances.

There are specific reasons for not allowing family members as part of the negotiation process.

Family members are not allowed into direct negotiations with suicidal persons, because often the suicidal person uses that as an opportunity to "say goodbye." Additionally, since we can't control what family members might say, to include an admonition to the suicidal person to "go ahead and do it," they are not allowed into direct negotiations.

Mental health professionals were not used that day as well. They often use family members to engage in direct discussions with troubled persons, in sedate counseling and therapeutic environments. However, in the circumstances created by this event, their presence is often not helpful to a successful resolution, based on the current state of national tactical negotiations thinking. We do not routinely employ them in training and operational situations, and to have called them blindly that day as events were unfolding would have been, in our opinion, counterproductive.

Final Conclusions

There are many concurrent events that contributed to this event ending as it did.

Law Enforcement, in particular, realizes that we do not ultimately control a subject's actions. We can only control our own, and this report is intended to inform the public in detail about this event, our actions in it, and what we can and will do as an organization to more effectively manage a similar incident in the future, should it occur again.

The primary responsibility for the events of that day lies with Phillip McDuffy. He made a personal and definitive choice to confront his personal issues by stepping onto the outside of the pedestrian bridge, with the stated intention of ending his life. Everything that occurred after this decision was as a result of it.

And while there is much that we can and have learned as an agency dedicated to public safety, we regret, and yet acknowledge that we became much of the story that day. It is the nature of our work, and often the reality of it. We simply cannot guarantee positive outcomes, as much as we strive to.

The officers of the Columbia Police Department were intensely devoted to helping Mr. McDuffy come down safely from that overpass, by negotiation, by tactical intervention, with the limitations of technology, individual choice, and fate having competing roles in the outcome.

Individually, and as an agency, we wanted him to have chosen not to head to higher ground when the first deployment failed. He had as one of his choices, at all times, to simply come down, and to seek help in more constructive ways. He was not charged with a crime, and was told that he would not be at the scene.

The TASER, given all the due considerations outlined in this report, and apart from it, was the best tool available to us for its stand-off instant incapacitation potential. There is no device currently available that allows for a falling person from height to be caught or cushioned.

It is the duty of every Columbia police officer to be accountable to the Chief of Police. And it is the duty of the Chief of Police to be accountable to you, the community. The removal of individual officer names is for their legal protection, not only in this case, but in future cases where there is perceived or actual malfeasance.

Their names at least theoretically should not be important, if the public sufficiently trusts that the Chief of Police is adequately policing his/her department. We duly realize that the difference between theory and reality may be vast.

However, until that trust is established and ongoing, and solid, no such expectation can be truly realized.

Capt. Tom Dresner
Interim Chief of Police
Columbia, Missouri Police Department

September 15, 2008