

Aimee Nemer

From: Jim Berzina
Sent: Thursday, October 11, 2007 5:47 PM
To: Council

Mayor and members of the City Council:

As we all know, last week a young child approx. 20 months old died in a tragic accident that occurred in Murphy. There have been many pieces of information that have been passed thru the community reflecting on how this incident was dealt with by the Murphy Police Department. I know I have talked with several of you regarding this case and have recently concluded my own examination into some of the allegations or pieces of information regarding what happened. I do wish I could have given you this report early but it has taken quite a bit of time to talk to the necessary people, review the 9-1-1 call tapes and review the in car camera system in two police cars that first responded at the scene. I did this with the purpose of determining what really happened in this matter as best as the facts would allow.

Recognizing that there have been several allegations of mishandling of this case, I began with each of those and concluded that there were three areas that stood out as major areas of concern. First, it was alleged that the Police Department personnel blocked Fire Department Paramedics at the door of the residence, thus delaying or withholding medical CPR treatment. Second, did the Police Department personnel who arrived first at the scene provide CPR or other medical treatment? And finally, the third issue, why was the mother of the child taken to the Police Department? I would like to address each of these topics using the information I gathered during this process.

In order to determine if the Paramedic was blocked at the door of the residence I meet with both the Police and Fire Chiefs who possessed first hand information as to what happened at the scene. They had discussed this incident with their employees and I felt they were able to give me an accurate depiction of what happened there. I also viewed the in-dash camera recordings which pick up voice from the officer assigned to the car if the system is left on. In this case, both of the responding police vehicles left the system on while their cars were parked in front of the residence. This means that the microphones carried on their uniforms picked up voice transmissions that were recorded on this system. The in-car system illustrated many things, but most importantly in this case depicts the actual time of the call origination as well as everything that happens after that until the device is turned off. After reviewing both transmissions from the cars, I can tell you that the first officer arrived approx. six minutes after receiving the call. The second officer was within fifteen seconds behind him. They knocked on the door and after a little delay the door was open and both officers entered. At that point one officer was occupied trying to remove the mother from her close proximity to the child. The second officer began to check the victim for signs of life and other necessary action. Almost immediately the Fire Dept. Paramedics were at the door and were let in. One police officer informed them that he thought the child was deceased but they can come in and do their work. I believe the second police officer told them that since it appeared to be a death that this would make it a crime scene. The Fire Dept. Paramedic stated to the Police Officers that he understood that and he volunteered to enter the scene with only one other Paramedic and they would leave the rest of the Fire Dept. Personnel outside the scene to be called if needed. One of the factors that I heard on the video tape that could cause some confusion creating the idea that the Fire Dept. personnel were delayed at the scene is that one Police Officer can be heard saying we have to treat this as a crime scene so be sure to get the name and badge number of every Fire Personnel that enters the scene. As I know you are most likely aware this is necessary in part to preserve the integrity of the crime scene. I am absolutely satisfied after talking to the Police and Fire Chiefs that no time was lost in rendering aid to the victim due to Police Personnel blocking their entrance to the scene. The tapes I viewed and listened to when matched with the time clocks verify this conclusion.

The second question that I spent a considerable time with was did the Police Department Personnel properly apply life saving techniques when first arriving at the scene. I have somewhat answered that question above but wish to reiterate that answer. Police Department personnel reached the scene ahead of the Fire Dept. Paramedics by approx. 2 minutes. The Police Dept. Personnel were delayed entry in the house for several seconds and the door was finally opened by an

older brother of the victim. Some time was obviously lost here that decreases the length of time between the arrival in the house for the police personnel. The fire dept. personnel arrived at the scene after the door was opened. Remember also that the Police personnel spent some of that time difference between arrivals dealing with the mother and making an initial check of the condition of the victim. I'm satisfied that the Police Officer did that initial check and almost immediately was able to turn the treatment process over to the fire dept. paramedics. Again, the time clocks on the tapes along with the audio I listened to brings me to that conclusion. Both the Police and Fire Chief also feel that this is the correct interpretation.

Finally, as to the third issue the mother of the child being taken to the police station. I realize that opinions will differ on this matter but I must tell you my opinion is formed after listening to the tapes and interviewing police officers including Lt. Adana Barber who in my mind was the person who thought at the scene that this was definitely the proper procedure to follow. I go back to the voice records at the scene to tell you that anyone listening to that tape I believe would concluded that the mother of the child was almost beyond hysterical. While I hesitate to put this in this communication I will tell you that in addition to being totally hysterical and distraught I believe from comments heard on the tape that she presented a definite risk to herself. I can deal with this in more detail if you wish but I will tell you that Lt. Barber felt that could not leave her at the house and that it could be a big mistake to take her to the emergency room in the hospital. Several of her friends accompanied the mother to our police station and after approx. an hour and a half she agreed to go to the hospital for treatment. She was not taken to the station for interrogation and I believe the personnel in our police department. acted as her friend and very defiantly tried to help her in this distressed situation. She was later taken to the hospital and admitted and spent the night there under hospital care. It has been stated that she was put in jail and kept there overnight. That is untrue and did not happen. As I said earlier, some would argue she should have been taken to the hospital with her child but our personnel felt it was better to go the police station. Apparently the mother of the child agreed with that assessment. Incidentally a police Chaplin from Wylie was at the police station to assist where possible. I really believe our personnel acted correctly in this situation.

I know this is a lot of information to review, especially given the facts that so much other information seem to be out there on this case. I do wish I could have put this information in your hands earlier but I wanted to be sure what I was telling you was accurate and based on all the information available. As always, if you have questions or comments please contact me. I will share with you any of the information that I used to get to this conclusion on this matter.

Jim Berzina
Interim City Manager