

Executive Summary of Inquiry

Case #COWI001

**Conducted for
Thomas C. Pollard, Esquire
City Attorney
City of Wilmington, NC**

**by
Risk Management Associates, Inc.
127 West Hargett Street
Raleigh, North Carolina 27601**

July 10, 2003

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Introduction

On June 26, 2003, Risk Management Associates personnel began planning and preparing for an inquiry into allegations regarding the conduct and behavior of the Chief of Police of the Wilmington Police Department, John Cease. The anonymous allegations involve three separate events that occurred over the past eighteen months.

Incident Number One: Donald Miller Homicide 12/23/2001 at New Hanover Regional Medical Center.

Allegations are as follows:

1. Chief Cease “showed up intoxicated” at the crime scene.
2. Chief Cease “involved himself in the case by collecting evidence without reading the suspect his Miranda rights.”
3. Chief Cease’s apparent use of alcohol resulted in behavior that was a discredit to the Wilmington Police Department.
4. Hospital officers were talking about how “drunk” the chief was.

Incident Number Two: Officer Lance Reeves Shooting on 12/27/2002.

Allegations are as follows:

1. Chief Cease “shows up drunk to the crime scene where Officer Lance Reeves was shot.”
2. Chief Cease was “driving drunk in a city vehicle and carrying his firearm.”
3. “It was reported to two supervisors that the chief was on scene intoxicated. Nothing was done.”
4. A named WPD officer “bragged to several officers on the scene that he was drinking beers [sic] with the Chief just prior to the call.”

Incident Number Three: Hostage Situation on 6/4/2003

Allegations are as follows:

1. Chief Cease brought his daughter to the scene.
2. Chief Cease used his city vehicle to transport his daughter.
3. Chief Cease ordered everyone on the scene to put on their vests and gave one to his daughter.
4. Chief Cease's daughter was within the outer perimeter, was not "authorized personnel" and was in a dangerous location.

Activity

This inquiry consisted of interviews with witnesses, review of pertinent reports and logs, and acquisition and review of other documents relevant to the specific allegations.

The list of witnesses to be interviewed in this inquiry was determined from three sources:

1. The witnesses named in the anonymous allegations.
2. The witnesses provided by Chief Cease in his response.
3. Officers identified from crime scene logs, communications logs, and police reports provided by the City of Wilmington for each incident.

Fifty-one (51) people were interviewed. Thirteen (13) people who were present at more than one incident were interviewed more than once.

Interviews were concluded on July 9, 2003.

Summary

Central to the allegations about Chief Cease at the Reeves shooting scene and associated closely with allegations about Chief Cease at the Miller homicide scene at New Hanover Regional Medical Center is the assertion that he was intoxicated and impaired. This fundamental point was explored specifically for both events, but in the Reeves incident, it is elemental to the substantiation of wrongdoing. In the Miller case, if true, it would be closely related to the anonymous assertion that Chief Cease's actions interfered with the investigation and reflected unfavorably upon the Wilmington Police Department.

The majority of accounts from witnesses who interacted with Chief Cease and observed his actions at the Miller and Reeves scenes reflect that either they had not perceived intoxication or did not recall suspecting Chief Cease of being intoxicated or impaired at either scene. There are several witnesses who reported detecting an odor of alcoholic beverage about Chief Cease's person but, combining both incidents, only three of these substantially allege that he was intoxicated. The officer mentioned in the anonymous allegation as having bragged at the scene of the Reeves incident about drinking with Chief Cease prior to call out denied being at the scene and denied having made such statements. The vast majority of witnesses interviewed in both incidents either do not substantiate or directly refute the allegation that Chief Cease was intoxicated or impaired.

Interviews concerning Chief Cease's involvement in evidence, custody, interrogation and crime scene issues at the Miller homicide scene at New Hanover Regional Medical Center failed to substantiate the assertion of Miranda violations. There are witness accounts of Chief Cease's use of an informal Miranda warning, his arranging for formal Miranda protocol, and his warning to one officer not to speak with the suspect while guarding him.

The evidence issue relating to the clothing removed from the suspect has been explored through interviews that reflect that the clothing was removed from the suspect because of concern for the suspect's physical condition and agitation and a security concern by a hospital police supervisor. This clothing was removed jointly with and in the presence of hospital officers of jurisdiction.

The allegation that Chief Cease's intoxication, actions and behavior resulted in discredit upon the Wilmington Police Department at the Miller homicide has been refuted in interviews with witnesses at that facility. Interviews reflect that Chief Cease's support and assistance at the scene was welcomed, valued, and appreciated by the police officers at New Hanover Regional Medical Center.

It was determined through interviews and independent documentation that Chief Cease was at the hospital at the time of that event with his wife who was being treated in the Emergency Department for a burn to her hand.

With regard to the incident involving Chief Cease's daughter at the hostage situation on June 4, 2003, the Chief does not deny that she was there, that she wore an armor vest, and that she moved his police vehicle to facilitate the positioning of the command vehicle. Information from interviews indicates that she was present, put on an armor vest at the suggestion of a WPD sergeant on the scene, and moved Chief Cease's police vehicle to facilitate parking the command center. No witnesses reported observing her inside a police perimeter marked by tape or anywhere away from the protected area in the vicinity of the command center.

The command center was located outside the perimeter tape although it was in an area where police were limiting and controlling public access. Regarding the allegation that Chief Cease's daughter was in a dangerous area, witnesses said that members of the public and press were in areas near and adjacent to this area, and some members of the public moved through the area on occasion. No witness accounts place Jennifer Cease inside either the tactical operations area or the crime scene.

No witnesses recalled Chief Cease's giving a specific order about use of body armor at the hostage operation scene, and the predominant witness assessment was that the area in the vicinity of the command center was safe and secure.

Summary of Interviews

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Summary of Interviews

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Officer WPD

Officer Reeves Shooting – Did not smell an alcoholic beverage on the Chief nor did the Chief appear impaired.

Detective WPD

Officer Reeves Shooting – Did not see the Chief at the scene.

Detective WPD

Officer Reeves Shooting – Did not recall any contact with the Chief.

Detective WPD

Officer Reeves Shooting – Did not smell an alcoholic beverage on the Chief nor did the Chief appear impaired.

Officer WPD

Officer Reeves Shooting – Did not recall the odor of an alcoholic beverage on the Chief or any impairment.

Officer WPD

Officer Reeves Shooting – Did not recall seeing the Chief at the scene.

Officer WPD

Officer Reeves Shooting – Smelled a strong odor of an alcoholic beverage on the Chief and stated that the Chief appeared intoxicated based on his speech and appearance.
Miller Homicide – Did not smell the odor of an alcoholic beverage but stated that it appeared that the Chief had had a few drinks.

Officer WPD

Officer Reeves Shooting – Did not smell an alcoholic beverage on the Chief but thought the Chief appeared disarrayed due to how his firearm was placed in his belt.

Ranking Officer WPD

Officer Reeves Shooting – Could not say one way or the other that he smelled an alcoholic beverage on the Chief and there was nothing to indicate the Chief was impaired.

Hostage Situation – Recalls seeing the Chief's daughter outside of the crime scene wearing some kind of police vest.

Supervisor WPD

Officer Reeves Shooting – Did not smell the odor of an alcoholic beverage on the Chief but stated that the Chief looked like he just got out of bed.

Supervisor WPD

Officer Reeves Shooting – Had face to face contact with the Chief several times and stated that the first time he smelled an odor of an alcoholic beverage but could not say for certain it was on the Chief's breath. Stated that the Chief did not appear intoxicated.

Supervisor WPD

Officer Reeves Shooting – Did not smell the odor of an alcoholic beverage on the Chief and saw no signs of intoxication.

Officer WPD

Officer Reeves Shooting – Never saw the Chief.

Officer WPD

Officer Reeves Shooting – Was not at the scene, and denies ever telling anyone that he was at the Chief's house the night of the shooting drinking beer with the Chief.

Miller Homicide – Responded to the scene. Had a brief conversation with the Chief face to face at close range. Did not recall any odor of alcoholic beverages or behavior or signs of intoxication.

Supervisor WPD

Officer Reeves Shooting – Did not smell an odor of an alcoholic beverage on the Chief and saw no sign of intoxication.

Hostage Situation – Involved with ERT mission. Did not see Jennifer Cease until after the incident. Had no relevant observations.

Ranking Officer WPD

Officer Reeves Shooting – Did not smell an odor of an alcoholic beverage on the Chief and nothing in the Chief's demeanor indicated that he was intoxicated.

Hostage Situation – Parked initially in front of the Chief. Saw Jennifer Cease move the Chief's car to facilitate positioning command vehicle. Observed her wearing concealable body armor vest over her clothing. Does not recall any orders being issued by the Chief relating to wearing body armor on the scene.

Detective WPD

Officer Reeves Shooting – Had no contact with the Chief.

Officer WPD

Miller Homicide – Smelled a strong odor of an alcoholic beverage on the Chief and stated that the Chief appeared intoxicated.

Hostage Situation – Observed the Chief's daughter at the scene in a vest between the inner and outer perimeter but not in the crime scene.

Former Officer WPD

Officer Reeves Shooting – Did not smell any odor of an alcoholic beverage on the Chief and can not say one way or the other if he was intoxicated.

Officer WPD

Miller Homicide – Did not smell an odor of an alcoholic beverage on the Chief and saw nothing to indicate that the Chief was intoxicated. An officer reported to him that the Chief had been drinking.

Supervisor WPD

Officer Reeves Shooting – Did not detect any odor of an alcoholic beverage on the Chief and saw nothing to indicate he was intoxicated.

Hostage Situation – Observed the Chief's daughter at the scene near the Mobile Precinct Post which was inside the outer perimeter.

Officer WPD

Miller Homicide – Did not smell odor of an alcoholic beverage on the Chief and saw nothing to indicate he was intoxicated.

Officer WPD

Miller Homicide – Did not smell odor of an alcoholic beverage on the Chief and saw nothing to indicate he was intoxicated.

Supervisor WPD

Officer Reeves Shooting – Smelled an odor of an alcoholic beverage on the Chief but saw nothing to indicate he was intoxicated.

Hostage Situation – Observed the Chief's daughter at the scene near the Mobile Precinct Post inside the outer perimeter. Did not see her inside the crime scene.

Officer NHRMC PD

Miller Homicide – Maybe smelled a slight odor of an alcoholic beverage on the Chief but is not really sure. Saw nothing to indicate that the Chief was impaired. Welcomed Chief Cease's assistance, participation, and advice.

Detective WPD

Officer Reeves Shooting – Had minimal contact with Chief Cease. Was never close enough to smell alcoholic beverages but observed no remarkable actions or mannerisms suggesting intoxication.

Supervisor WPD

Miller Homicide – Did not go to scene. Talked to Chief Cease by phone for 11 to 12 minutes. Recalls no unusual behavior or signs of intoxication.

Supervisor WPD

Officer Reeves Shooting – Interacted with the Chief two or three times on the scene. Recalls no odor of an alcoholic beverage or behavior suggesting intoxication. No one reported any such suspicions to him.

Ranking Officer WPD

Hostage Situation – Was on scene about 20 minutes. Saw and spoke with Chief. Saw daughter standing outside crime scene perimeter. Does not remember if she was wearing an armor vest.

Supervisor WPD

Officer Reeves Shooting – Talked with Chief Cease for 5 minutes. Has no memories of alcoholic beverage odor or any signs or behavior suggesting intoxication.

Hostage Situation – Was not in general area of command center. Did not see daughter or observe anything relevant to this situation.

Supervisor WPD

Hostage Situation – Arrived quickly at scene. Directed moving of vehicles but did not see if Jennifer Cease moved the Chief's vehicle. After Chief Cease put on body armor and left the protected area, suggested that Jennifer Cease put on the Chief's other concealable armor vest. Never saw Jennifer Cease beyond a barrier or inside the crime scene. Always observed Jennifer Cease in the area of the command vehicle which was not behind a tape barrier.

Supervisor WPD

Officer Reeves Shooting – Interacted and spoke with Chief on the perimeter. Did not note nor recall any odor of alcoholic beverage or signs and behaviors indicative of intoxication.

Officer WPD

Officer Reeves Shooting – Saw Chief Cease on the scene briefly but was never near enough to have been able to judge odor or signs of intoxication.

Supervisor WPD

Miller Homicide – Talked to Chief Cease up close several times. Detected no odor of alcoholic beverages or actions or signs of intoxication. Stated he worked the DUI detail for three years and would have noticed signs of intoxication. No symptoms observed.

Supervisor WPD

Miller Homicide – Saw Chief Cease in the emergency room with family member. Subsequently interacted with the Chief for 5 to 10 minutes “right in his face” giving instructions. No odor of alcoholic beverages or signs of intoxication recalled or noted. Had never given it a thought until “this came up [interviews].”

Hostage Situation – Saw nothing “surprising” but seems to recall Jennifer Cease in a police armor vest. Had no recall about locations or timing.

Officer WPD

Miller Homicide – Did not observe the Chief at all. Called to the scene to transport suspect to Police Department. No mention of the Chief at the scene was recalled.

Supervisor WPD

Hostage Situation – Observed Jennifer Cease on the scene around the command center but outside the tape lines only.

Officer Reeves Shooting – Had no interaction with the Chief on the scene.

Miller Homicide – Supervised her officers at the scene. Probably interacted with the Chief two or three times. Does not recall smelling odor of alcoholic beverages but “felt like he was drinking” from things he did like repeating himself and interviewing the suspect.

Ranking Officer WPD

Miller Homicide – Had a brief conversation with the Chief at the scene. Did not detect symptoms of alcohol use. States “I would have noticed and I would have mentioned it to him later if I had.”

Detective WPD

Miller Homicide – Heard others on the scene comment that the Chief had been drinking, tampered with evidence and interviewed the suspect. Stated he was focused on his job but his impression was that the Chief had consumed some alcoholic beverage.

Supervisor WPD

Officer Reeves Shooting – Saw the Chief on the scene. Did not detect any intoxication but was not in a position to do so. No one reported suspicions about the Chief drinking to him at the scene although he heard the rumors the next day.

Supervisor WPD

Miller Homicide – Was on scene but does not recall being around the Chief as he stayed at shooting scene. If he did see the Chief it was briefly and he has no recall of suspicions or odor of alcoholic beverages.

Hostage Situation – Was on scene but does not recall any relevant information.

Supervisor WPD

Miller Homicide – Responded as a friend of the victim and had had a couple of beers off-duty. Interacted with the Chief at close range. Chief became upset when informed that the victim was a former WPD officer. Did not detect any odor of alcoholic beverage about the Chief and did not observe signs of intoxication.

Officer NHRMC PD

Miller Homicide – Had interaction with Chief Cease. Observed no remarkable signs or symptoms of impairment. Chief Cease’s assistance welcome, routine, and very helpful.

Supervisor NHRMC PD

Miller Homicide – Smelled light to moderate odor of an alcoholic beverage about Chief Cease but saw no behavior indicating intoxication or impairment. Had no recall of hospital officers discussing “how drunk the Chief was.” Stated that suspect was advised of Miranda at site of arrest. Chief Cease did so again and obtained a waiver form for use. Stated that Chief Cease was lending valuable assistance, giving instructions and taking charge “like a chief.”

Officer NHRMC PD

Miller Homicide – Detected a moderate odor of an alcoholic beverage about Chief Cease’s person. Did not consider him intoxicated or impaired.

- On 12-23-2001 our chief showed up intoxicated to the homicide of Officer Don Miller.
- The chief involved himself in the case, he helped collect evidence from the suspect without reading him his Miranda warnings. Collection of evidence by the chief is documented in the report.
- Witnesses : Wilmington Police Department Officers [REDACTED] and [REDACTED]. Acting [REDACTED] Supervisor [REDACTED] was notified of this on the scene.
Officers with New Hanover Regional Medical Center Police were also witnesses. [REDACTED] and [REDACTED] Manual of rules section 2.06 was violated. The chief used alcohol to the extent that it resulted in behavior that discredited the department. All of the hospital officers were talking about how drunk the Chief was.

- On 12-27-2002 Chief Cease shows up drunk to the scene where Officer Lance Reeves was shot.
- He was seen driving drunk in a city vehicle and carrying his fire arm.
- Possible witnesses : [REDACTED]
[REDACTED] and any supervisor on the scene.
- It was reported to 2 supervisors that the chief was on scene intoxicated. Nothing was done.
- The chief violated manual of rules section 2.13 by carrying a firearm while using alcohol, not to mention driving a city vehicle. Officer [REDACTED] Bragged to several officers on the scene that he was drinking beers with the Chief just prior to the call.

- On 6-4-2003 the Chief responded to an Officer involved shooting on Darlington Avenue. One suspect was shot. The other had escaped into an unknown apartment building in the area and someone said that he was barricaded in an apartment with hostages. The Chief brought his daughter to the scene. The Chief deemed the suspect on the loose so dangerous that he ordered everyone on the scene to put on their bullet proof vest. The Chief gave his daughter his bullet proof vest and allows her to remain on scene. It was so dangerous that Officers were evacuating buildings and walking around with shotguns and assault

rifles everywhere. Several policies were violated here. The Chief endangered his own daughter and exposed the City to unnecessary liability. Every supervisor on the scene saw this.

- Policy 406.05 on barricaded subjects was violated. The life of his daughter (civilian) was not taken into consideration.
- She was not essential personnel and had no business at the scene or in the command center.
- She was within the outer perimeter and was not authorized personnel.
- Policy 303.03 on ride a longs was violated. It says that relatives will not ride along.
- It says that participants will not use police equipment.
- It also says that participants will remain in the vehicle during incidents involving deadly weapons and dangerous situations.
- The policy on Officer involved shooting was violated 103.07. This says in section B1 that the safety of officers, and third parties should be ensured.

The policy on take home cars was violated 203.04 When the Chief transported his daughter to the scene. The policy says that no unauthorized individuals shall be transported in a take home vehicle except for a legitimate police purpose.

- Finally the policy that says supervisors should set a good example for the troops, was violated. It also says that supervisors should be held strictly accountable for their actions.

To : City Manager Sterling Cheatham

4-24-2003

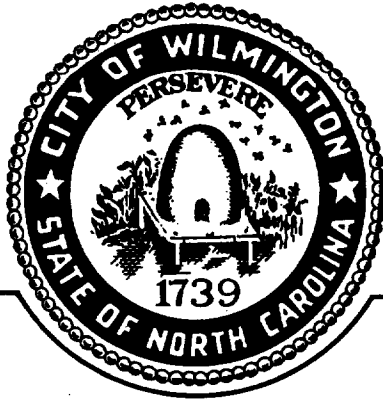
From : David Hursey

Subject : Status of my complaint

I wanted to ask you in writing, what has happened to the complaint that I filed with you Nov. 27, 2002. I complained about the Chief being drunk at a homicide scene of a slain officer and I listed several witnesses to this. About racism in the police department, about selective enforcement of the laws, about the moral in the department, about the chief misusing his vacation time and city travel funds and about city funds being wasted and about arbitrary adverse disciplinary action. What has been done concerning my complaint?

Thank you,

David Hursey



5/9/03

CITY of WILMINGTON North Carolina

P.O. BOX 1810
28402

OFFICE OF THE CITY MANAGER
(910) 341-7810
FAX (910) 341-5839
TDD (910) 341-7873

May 5, 2003

David A. Hursey
500 Callie Court
Wilmington, NC 28409


Dear Mr. Hursey:

In addition to the matter of your concern regarding the due process afforded City employees on appeals of discipline at our meeting on April 24, 2003, you asked the status of your November 27, 2002 complaint against Chief of Police John Cease. As I indicated to you, I have reflected on your allegations and reached the determination that those matters should have been addressed by the appropriate City Manager(s) when those incidents occurred. I am not inclined to adjudicate those matters at this time. I am, however, prepared to actively manage and monitor all City department heads, to include the Wilmington Police Chief, and I have informed all department directors of this fact.

Based on our discussion and my review of the documentation you provided to me on April 24, I have determined that, despite your beliefs to the contrary, the policy on appeals of disciplinary actions has been consistently applied across all departments for all employees since it was adopted and subsequently modified. Promotional opportunities are not working conditions. Therefore, your grievance is inappropriate. You may grieve the application of policy, but you may not grieve the policy.

However, I will continue to review the City's Personnel Policies and I assure you that I will make changes where I deem those changes to be appropriate. The City Council has delegated the responsibility for personnel policies to the City Manager and I take that responsibility seriously.

Yours truly,


Sterling B. Cheatham,
City Manager

cc: Al McKenzie, Human Resources Director
File



**NORTH CAROLINA
POLICE BENEVOLENT ASSOCIATION, INC.**

A Division of Southern States Police Benevolent Association, Inc.
2305 E. Millbrook Rd., Suite 100
Raleigh, North Carolina 27604-1829
(919) 790-2275 • 1-800-451-3895

June 11, 2003

Sterling B. Cheatham
Wilmington City Manager
Post Office Box 1810
Wilmington, NC 28402

By Facsimile and U.S. Mail

Dear Mr. Cheatham:

We are writing to you on behalf of officers of the North Carolina Police Benevolent Association on matters of continuing serious public concern.

As you know, certain information concerning misconduct by a public official has been brought to your attention on more than one occasion. As we understand, the accusations of misconduct, if true, would violate City of Wilmington Policy and other provisions and laws concerning fitness for duty, willful failure to discharge duties, willful misconduct, and other alleged violations of law.

According to your May 5, 2003, letter to our South Eastern Chapter PBA Committee Chairman, Officer Dave Hursey, you advised that you would not investigate these allegations because "those matters should have been addressed by the appropriate City Manager(s) when those incidents occurred. I am not inclined to adjudicate those matters at this time."

While we appreciate your indicating that these matters should have been investigated by your predecessor(s), we remind you that such reasoning does not preclude your current and required responsibility. Appropriate corrective action is critically necessary.

Incredibly, since May 5, 2003, two other similar incidents have been alleged to have occurred by this same public official.

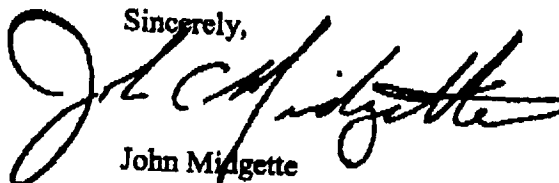
Policy and law not only provides for your immediate intervention, but it is our understanding that if intervention is not commenced by you, further violation of law may occur.

The Voice of Law Enforcement Officers

Therefore, for these reasons and otherwise, we request your immediate reconsideration of your current decision, and invoke an immediate inquiry of these matters that were first brought to your attention on November 27, 2002.

We look forward to your earliest possible response.

Sincerely,



John Midgette
Executive Director

JCM/dsm

- cc: Mayor Harper Peterson
Councilwoman Katherine Moore
Councilman Frank Conlon
Councilwoman Laura Padgett
Councilwoman Sandra Spaulding-Hughes
Councilman Jim Quinn
Councilman Jason Thompson