

**United States Police Canine Association  
Region 2**

**Patrol / Detector Case Of The Quarter**

Officer's Name Joe Mercer

Department Raleigh Police Department

Department Address 1221 Front St.

City Raleigh State NC

Canine's Name JENS

Type of Case being submitted: Patrol XX Detector \_\_\_\_\_

Date of case being submitted: 7/26/08

Submitted by: Joe Mercer

Email Address: joseph.mercer@ci.raleigh.nc.us

Date: 9/30/08

Contact number: (919) 524-4068

**Please type your case using double-space on a separate sheet. Attach it along with your departmental documentation to this application. It must be submitted to the Region 2 awards committee by the deadlines below to be considered.**

**Deadline for case of the quarter:**

First Quarter	April 5
Second Quarter	July 5
Third Quarter	October 5
Fourth Quarter	January 5

**Submit to: Donnie Dolinger  
108 Pondridge Ln.  
 Mooresville, NC 28117  
[ddolinger@cmpd.org](mailto:ddolinger@cmpd.org)**

On 7/26/08 at approximately 1030 hours, Ofc. Mercer responded to assist Sgt. Rosa and district officers in locating a suspect from a carjacking of a blue Nissan Sentra that occurred on 7/10/08. Information had been developed that the carjacking suspect was possibly inside a residence at 6808 Johnsdale Rd. Sgt. Rosa advised Ofc. Mercer that a black Nissan Sentra with the registration tags that belonged to the carjacked vehicle was in front of this residence. Surveillance was set up on the residence, and Ofc. Mercer stood by in his vehicle a block away from the residence. He waited for several hours, but never saw any movement at the residence.

Additional information was later developed that the suspect could also be at an apartment on Woodbend Dr. Lt. Kennon responded there and located a blue Nissan Sentra with a bullet hole in the windshield. This matched the description of the vehicle taken in the carjacking since the suspect had fired a shot from his pistol through the windshield of the vehicle during the carjacking. The registration plate on this vehicle came back to a Nissan Sentra registered to 6808 Johnsdale Rd, where units were set up for surveillance. Ofc. Mercer then responded to this location along with Sgt. Quick, Ofc. Hartman, and Ofc. Kellogg. Sgt. Quick and Ofc. Hartman set up surveillance on the parking lot where the carjacked vehicle was parked. Ofc. Kellogg parked a block away since he was in a marked patrol vehicle and the other officers were in unmarked cars. Lt. Kennon had seen a black male walk into a cut through of a wooded area from the parking lot where the carjacked vehicle was located. Lt. Kennon felt this subject might be the carjacking suspect they were looking for. Ofc. Mercer assisted him with circulating the area for this subject. While Ofc. Mercer was circulating several blocks away, Ofc. Hartman advised a black male was walking toward the vehicle. As he entered the vehicle, officers moved in

and attempted to keep him from getting mobile in the vehicle, but he was able to drive around the officers and out onto Woodbend Dr. Ofc. Mercer responded to the corner of Hensley Dr and Woodbend Dr and saw the carjacked vehicle with a black male driver fleeing toward Six Forks Rd at a high rate of speed. Ofc. Mercer immediately activated his blue lights and siren and pursued the vehicle. The suspect was travelling approximately 60 mph on a residential street. He never slowed down and drove straight into the intersection of Woodbend Dr and Six Forks Rd, disregarding the stop sign. He almost ran into two different vehicles that had to swerve to avoid a collision. Ofc. Mercer continued to pursue the suspect inbound on Six Forks Rd. He was weaving through traffic and travelling between 75 and 80 mph in a 45 mph zone. He slammed on brakes and skidded off the side of the road in an attempt to turn right onto Acacia Dr. He was able to get the vehicle back on the road and continued driving at a high rate of speed toward Lynn Rd. When he got to Lynn Rd, he did not slow down and drove out into traffic, again disregarding the stop sign at the intersection. As he turned right onto Lynn Rd, he drove into the oncoming lanes of traffic. Again, several vehicles had to swerve to avoid crashing into the suspect. The suspect then made an immediate left onto Gadland Ct, which is a cul-de-sac. He jumped out of the vehicle while it was moving, and began to flee on foot. The vehicle jumped the sidewalk and crashed into some shrubbery in front of the townhome at 400 Gadland Ct. The other officers, who initially attempted to stop the vehicle, were unable to stay with Ofc. Mercer during the pursuit, due to the fact they had unmarked vehicles. This left Ofc. Mercer on his own when the suspect fled on foot.

At this point, Ofc. Mercer quickly weighed these factors:

- The severity of the crime: The suspect committed an armed robbery of a vehicle, during which, he fired a shot from his pistol through the windshield of the vehicle.
- The suspect posed an immediate threat to Ofc. Mercer's safety and the safety of the general public: During the commission of the carjacking, the suspect had a firearm and showed his willingness to use it, as indicated by him firing through the windshield of the vehicle. Based on this information, Ofc. Mercer believed the suspect would likely be carrying this firearm and would be willing to use it on him or the general public.
- The suspect was actively fleeing and attempting to evade arrest: The suspect fled from Ofc. Mercer in a vehicle at a high rate of speed, drove in a careless and reckless manner, and with willful and wanton disregard for the safety of others. He then crashed the vehicle into some shrubbery and continued to flee on foot.

Based on the factors mentioned above, Ofc. Mercer quickly determined that the most effective way to take this suspect into custody would be to deploy K-9 Jens to apprehend the suspect. This use of force would require the least amount of risk to Ofc. Mercer's safety and the safety of the general public and would likely help prevent a deadly force situation.

Ofc. Mercer exited his patrol car and K-9 Jens followed. Ofc. Mercer yelled a warning to the suspect twice, indicating that if he did not stop immediately, K-9 Jens would be deployed to apprehend him. The suspect did not comply with Ofc. Mercer's verbal warnings and continued fleeing on foot. Ofc. Mercer released K-9 Jens and gave him the command to apprehend the suspect. K-9 Jens immediately developed target acquisition on the fleeing suspect and gave chase. The suspect turned left behind a building and Ofc.

Mercer temporarily lost sight of him. K-9 Jens continued to chase the suspect. As Ofc. Mercer turned the corner of the building, he saw the suspect cut right into a wooded area. At that time, the suspect looked back and saw K-9 Jens closing in on him. The suspect tried to cut a different way and slipped to the ground. K-9 Jens immediately apprehended the suspect by biting onto his lower left leg. While running into the wooded area Ofc. Mercer's radio fell off his belt, and he had no way of communicating with responding officers. Ofc. Mercer approached K-9 Jens and the suspect with his pistol at the low, ready position based on the facts that the suspect was wanted for a serious and violent crime and was probably armed. Ofc. Mercer began giving the suspect commands not to fight the dog, to turn to his stomach, and put his arms out to his side. The suspect would not comply with Ofc. Mercer's commands and was attempting to push K-9 Jens off his leg with his hands. Ofc. Mercer continued to tell the suspect to prone out on the ground with his hands out to his sides, but he still refused to comply. After giving these commands three or four times, Ofc. Mercer holstered his pistol, preparing to use restraining techniques to get the suspect to comply with his commands. Before Ofc. Mercer was able to get his hands on the suspect, the suspect began to stand up, while K-9 Jens was still biting on his lower left leg. Ofc. Mercer thought the suspect was going to attempt to flee further on foot, so he began to reach for his pepper spray, and then decided to utilize his TASER. As Ofc. Mercer was reaching for his TASER, the suspect turned toward him in a bladed position with the right side of his body facing away from Ofc. Mercer, while looking straight at him. Ofc. Mercer saw the suspect reach back toward his right hip with his right hand, attempting to grab something in his waistband and under his shirt. Ofc. Mercer believed the suspect was grabbing a gun from his

waistband and that he was going to try to shoot Ofc. Mercer with it. Ofc. Mercer immediately drew his pistol and pointed it at the suspect. The suspect's right hand was on the outside of his shirt, but the object he was grabbing was still under his shirt. The way his hand was grasping the object it appeared to Ofc. Mercer that he was grabbing the hand grip of a pistol. Ofc. Mercer could not see the pistol because it was still under his shirt. Ofc. Mercer told the suspect to stop reaching under his shirt and to get on the ground. He also told the suspect if he continued to reach under his shirt, he would get shot. The suspect would not get on the ground and would not stop grabbing for the object under his shirt. Ofc. Mercer told him a second time to get on the ground and stop reaching under his shirt or the suspect would get shot. The suspect still refused to comply with Ofc. Mercer's commands so Ofc. Mercer immediately tackled the suspect to the ground to prevent him from getting what Ofc. Mercer believed to be a gun out of his waistband. Ofc. Mercer also felt that he could more effectively control his actions if the suspect was on the ground instead of standing up. When they went to the ground, the suspect landed on his stomach and Ofc. Mercer was on the suspect's back. K-9 Jens was still biting the suspect on the leg. While on the ground, Ofc. Mercer noticed the suspect's left hand was outstretched to his left side and his right hand was under his stomach. Ofc. Mercer continued to cover the suspect with his pistol and gave him commands not to move. The suspect kept trying to pull his right hand out from under his stomach. Ofc. Mercer believed the suspect now had the gun in his right hand under his stomach. Ofc. Mercer kept his body weight on the suspect to prevent him from moving and he told the suspect if he pulled his right hand out, he would get shot. The suspect kept trying to pull his right hand out from under his stomach, so, while covering him with his pistol, Ofc.

Mercer reached under the suspect's stomach with his left hand to grab the suspect's right wrist. As Ofc. Mercer reached under the suspect's stomach, he felt a pistol in the suspect's right hand. Ofc. Mercer immediately told the suspect not to move his right hand, and if he did, he would get shot. At that point, Ofc. Mercer saw Sgt. Quick running up from his left. Ofc. Mercer yelled to him that the suspect had a gun. Sgt. Quick ran over to Ofc. Mercer and put his knees on the suspect's left arm and upper back. Ofc. Mercer told Sgt. Quick the gun was in the suspect's right hand under his stomach. Sgt. Quick told the suspect to let go of the gun and slowly bring his right hand out to his side. The suspect had to be told to do this two or three times before he finally complied. The suspect released his grip on the pistol and brought his hand out. Ofc. Mercer grabbed the pistol from under the suspect's stomach and handed it to Sgt. Quick. Ofc. Mercer holstered his pistol and told the suspect to bring his hands behind his back. At this point, Ofc. Hartman and Ofc. Kellogg arrived. Ofc. Hartman secured the suspect's pistol, and Ofc. Kellogg and Sgt. Quick assisted Ofc. Mercer in getting the suspect handcuffed. Once the suspect was handcuffed and secure, Ofc. Mercer tactically removed K-9 Jens off the suspect's left leg. The suspect was escorted out of the woods and to a patrol car, where he was searched by officers on scene. He was placed in the back of the patrol car and Ofc. Mercer called communications to dispatch an EMS unit to respond to care for the suspect's injuries from K-9 Jens' apprehension. The suspect had puncture wounds from K-9 Jens' apprehension on both lower legs. Apparently during the struggle with the suspect, K-9 Jens came off the suspect's lower left leg and re-engaged on the suspect's lower right leg. EMS personnel asked if the suspect wanted to go to a hospital for further

treatment, but he would not respond to them. The suspect was then transported to the main police station for questioning by detectives.

The suspect was charged with multiple traffic violations, including felony speeding to elude arrest, and resist, delay and obstruct. Detectives took possession of the Smith & Wesson 9mm pistol that Ofc. Mercer recovered from the suspect. The frame was black and the slide was silver. There were 13 – 9mm rounds loaded in the magazine of the gun. Detectives determined the gun was stolen out of Florida and was used in a homicide. The suspect was also wanted in connection to the homicide in South Florida. After being interviewed by detectives, the suspect was charged and processed on multiple charges, including armed robbery, assault on a government official with a firearm, and possession of a stolen firearm.

The deployment of K-9 Jens to apprehend the suspect provided Ofc. Mercer a clear tactical edge in apprehending a violent and desperate criminal from an almost certain deadly force situation. The suspect is now incarcerated and there were no injuries to any officers or civilians. For these reasons, this case is respectfully submitted for your consideration of patrol case of the quarter.