



GUILFORD COUNTY SHERIFF'S OFFICE
400 W. WASHINGTON STREET - GREENSBORO, NC 27401

BJ BARNES, SHERIFF

PRESS RELEASE

October 26, 2017

A. Background and Message to the Families: There have been several misstatements of fact by sources outside the Guilford County Sheriff's Office ("GCSO") concerning the circumstances surrounding the fatal collision on Saturday night, September 30, 2017. Some of these statements, for example—that our Deputy was operating his car without his blue lights and his siren activated--were just plain wrong.

The purpose of this press release is to provide the Families of those who lost their lives and the citizens of Guilford County with a truthful and factually-based account of that event. We thoroughly understand that nothing will diminish the terribly heavy sense of loss and grief that the Families now suffer. I as the Sheriff, as well as Deputy Lineback and the Guilford County Sheriff's Office, deeply regret the loss of Stephanie Warshauer and Alyssa Bolick and the tragic impact this has had on their Families. The goal of the Guilford County Sheriff's Office is to do everything we can to protect the safety of the public and prevent the loss of life.

B. Facts: Sheriff's Deputy C. Lineback was traveling south on Highway 220 (the very north end of Battleground Avenue in the vicinity of the Town of Summerfield) when he first observed the suspect's vehicle--a light colored Acura sedan—also headed south back toward Greensboro. Deputy Lineback's suspicions were initially raised by the actions of the occupants inside the car and the manner in which the vehicle was operated.

Deputy Lineback's patrol car was equipped with an onboard laptop computer issued by the Sheriff's Office. That laptop computer has electronic access to information in the National Crime Information Center ("NCIC") database. Prior to activating his blue lights and siren, Deputy Lineback typed the license plate number of the suspect's vehicle into his onboard computer and, in response to his query, was alerted that the vehicle was stolen. As is clearly reflected by the radio communications recorded by Guilford Metro 911, Deputy Lineback contacted the 911 Dispatcher to confirm the vehicle was stolen. The recordings prove that the Dispatcher provided confirmation to Deputy Lineback, via radio, that the vehicle was stolen. That confirmation came before the collision.

A source recently claimed that although the vehicle was clearly listed as "stolen" on the NCIC database, that the car "*was really not stolen*" and the NCIC listing was a "*miscommunication*". First, the Sheriff's Office has been provided no evidence to confirm such a thing. More importantly, the Greensboro Police Department entered the vehicle as "stolen" into NCIC several weeks before the accident on September 30th and that was precisely the information available to our Deputy and the 911 Dispatcher. Neither the Deputy nor the Dispatcher had any reason to believe the car was not stolen.

The suspect's vehicle turned left (east) into the Battleground North Apartments complex located on the east side of Battleground, inside Greensboro City limits, just north of the intersection between Battleground and Horse Pen Creek Road. Both cars completed a U-turn in the apartment complex entrance and then turned left back onto Battleground to go south once again.

Deputy Lineback activated his blue lights and siren at **11:23:15** (23 minutes and 11 seconds after 11 p.m.) just as he turned left into the apartment complex. After completing a U-turn in the entrance to the apartments, he re-entered Battleground Avenue at **11:23:24**. The impact between the suspect's car and the Warshauer vehicle took place at **11:24:30** which is **just 1 minute and 6 seconds** after Deputy Lineback re-entered Battleground or **1 minute and 15 seconds** after activating his blue lights and siren.

After passing the intersection of Cotswold Drive and Battleground Avenue, Deputy Lineback reached a top speed of 128 m.p.h. as he headed south. Before reaching the intersection of Brassfield Road and Battleground (and before there is any indication of the accident that was about to occur), he began to slow the speed of his car noticeably. Specifically, he reduced his speed to 122 m.p.h. by the time he reached Brassfield. He continued to slow and was traveling at 106 m.p.h. just prior to the impact between the suspect's car and the Warshauer vehicle. This shows that our Deputy intentionally reduced his speed by 22 m.p.h. before the accident occurred. The dash camera display shows Deputy Lineback had his brake pedal depressed for several seconds before the collision between the suspect's car and Ms. Warshauer's. All of this demonstrates

Deputy Lineback had already made the decision to slow his speed as he entered the more highly-traveled portion of north Battleground Avenue.

The dash-cam footage also proves that traffic on Battleground was light not “*heavy*” or “*crowded*” as some sources have recently mis-reported. In fact, during the entire 1.8 mile trip from the apartment complex to the collision, Deputy Lineback only passed 5 southbound vehicles and he did so safely as he approached with his blue lights and siren activated. This stretch of Battleground is wide with 5 travel lanes (2 south, 2 north and 1 center turn)—much of it with road shoulder space. Much of this stretch of road had either street or ambient lighting from roadside businesses. The weather was clear. All these factors increased the safety level for this very short pursuit.

The video further establishes the stolen vehicle was going faster than Deputy Lineback’s patrol car and continued to pull farther away from the Deputy. Deputy Lineback was a significant distance behind the suspect’s car when the accident took place. He was not close behind the vehicle “*pushing the chase*” as that expression is sometimes used in police pursuit cases. Deputy Lineback’s patrol car was not involved in the collision. Instead, he stopped safely. At no time did his car come into contact with the suspect’s vehicle or the car driven by Ms. Warshauer and occupied by Ms. Bolick.

C. **The GPD Investigation:** The Guilford County Sheriff’s Office has cooperated fully with the Greensboro Police Department’s Accident Reconstruction Team. While still at the scene in the early morning hours of Sunday, October 1st, we

provided Greensboro P.D. with complete access to our Deputy's patrol car and played the car's dashboard camera video for GPD's on-scene, lead accident investigator.

In the days immediately following the incident, the Sheriff's Office provided GPD's investigators with a complete copy of the video and its corresponding vehicle data (including speeds) recorded by our Deputy's dashboard and body cameras. Our Deputy also met with GPD's investigators and answered their questions about the incident.

During the same time period, the Sheriff's Office agreed to the public release (by Guilford Metro 911) of the radio communications made by our Deputies that night. We also provided the name of our involved Deputy as well as copies of our Vehicle Pursuit Policy to the media in response to their public information and public records requests. Sheriff Barnes also provided recorded interviews to several different news agencies in an effort to be as open as possible about the circumstances leading to this tragedy.

D. The Video: The Sheriff's Office is required to follow the statutory procedures for the disclosure of law enforcement video set out in N. C. Gen. Stat. § 132-1.4A. The statute prohibits us from releasing the video to the media or general public unless a Judge orders it. Per paragraphs (a)(4) and (c)(2) of that statute, we can, however, permit a person depicted in a video or his/her authorized personal or legal representative to view the video here at the Sheriff's Office. We have offered the Warshauer and Bolick Families the opportunity to view the video should they ever wish to do so. In the interim, the attorneys for both Families were shown the video footage at the Sheriff's Office during our meeting on Tuesday morning, October 24th.

E. The GCSO's Pursuit Policy: It has been asked why the Sheriff's Office and GPD have different policies for the same stretch of roadway? As a starting point, it is not at all uncommon for different law enforcement agencies to have different policies. The Sheriff's Office has law enforcement jurisdiction both inside City limits and out in the County. Because it is an entirely independent agency, the Sheriff's Office is not required to follow GPD's policy. That said, Greensboro's policy and that of the Sheriff's Office are similar in many respects. The primary difference between the two policies is that Greensboro only authorizes pursuits for the following offenses:

- 1. The occupant(s) has committed, is committing, or is about to commit a violent crime, burglary offense, or felony breaking and entering offense.**
- 2. Wanted for a violent crime, burglary offense or felony breaking and entering offense.**
- 3. DWI where an articulable basis is established that the driver is impaired.**
- 4. Felony Hit and Run Involving Serious Injury.**
- 5. Situations involving high risk operations, as authorized by the affected Division Commander or higher authority.**
- 6. The Watch Commander may authorize a vehicle pursuit based upon information indicating the occupant(s) presents a clear and immediate threat to the safety of others and therefore the necessity of immediate apprehension outweighs the level of danger created by initiating a pursuit not specifically defined by this directive.**

We have reached out to other law enforcement agencies and determined that the pursuit policy of the Sheriff's Office is consistent with that of the North Carolina State Highway Patrol and other law enforcement agencies in the State. More important to the Guilford County Sheriff's Office is what the law says, not how some other agency's

policy is written. On that score, the Sheriff's Policy requires our Deputies to weigh and balance a number of important safety factors before and during any pursuit:

- (a) Visibility and weather conditions,**
- (b) Traffic volume and road condition,**
- (c) Seriousness of suspected violation,**
- (d) Danger presented to the public if suspect is not immediately apprehended;**
- (e) Danger to the public caused by the pursuit and of the pursuing officer(s)**
- (f) Pedestrian and vehicular traffic patterns,**
- (g) The location of the pursuit,**
- (h) The speeds involved in the pursuit,**
- (i) The time of day,**
- (j) Restricted visibility due to buildings, curves, or hills,**
- (k) The capabilities and limitations of the Sheriff's vehicle and the Deputy,**
- (l) The pursuing and supervising officers' familiarity with the area of pursuit,**
- (m) The quality of radio communications with the pursuing officer(s),**
- (n) Whether or not the identity of the driver is known or whether he can be identified by the prima facie rule of G.S. 20-141.5,**
- (o) Whether the pursuit will likely be successful in apprehending the suspect**

The foregoing list of factors in the Sheriff's Policy are the very same ones expressly endorsed by the North Carolina Court of Appeals in *Norris v. Zambito*, 135 N.C. App. 288, 294-95, 520 S.E.2d 113, 117 (1999).

Furthermore, there is a long line of appellate court opinions rendered by the North Carolina Supreme Court and our Court of Appeals in law enforcement liability cases to use as a measuring stick. That list includes, but is not limited to: *Parrish v. Hill* 350 N.C.231, 513 S.E.2d 547, *reh'g denied*, 350 N.C. 600, 537 S.E.2d 215 (1999); *Bullins v. Schmidt* 322 N.C. 580, 369 S.E.2d 601 (1988); *Lunsford v. Renn*, 207 N.C. App. 298,

301, 700 S.E.2d 94, 95–96 (2010); *Villegigue v. City of Danville*, 190 N.C. App. 359, 661 S.E.2d 12, *rev. denied*, 362 N.C. 688, 671 S.E.2d 532 (2008); *Fowler v. N.C. Dep't of Crime Control and Public Safety*, 92 N.C. App. 733, 376 S.E.2d 11, *disc. rev. denied*, 324 N.C. 577, 381 S.E.2d 773 (1989).

If you read the facts in the cases above, the pursuing Officers' actions, in many instances, substantially exceeded those of Deputy Lineback; yet in each case, our Courts validated the pursuit and declined to impose any liability. The United States Supreme Court has also weighed in on this issue and reached a similar result when applying Federal law in *City of Sacramento v. Lewis*, 523 U.S. 833, 118 S. Ct. 1708 (1998). In light of the appellate court decisions above, the current Policy of the Guilford County Sheriff's Office is entirely consistent with and fully supported by the law.

F. Message from the Sheriff: Based on the facts concerning this tragedy, the Sheriff's Office is convinced that once Deputy Lineback activated his blue lights and siren to attempt to stop the suspect's vehicle (upon learning it was stolen), that the suspect was going to continue to run at high speed no matter what our Deputy did.

Although the discussion of this event has been framed in "*a chase or no chase*" dynamic, it would be more accurate to couch it as a "*stop or don't stop*" issue. In other words, whether it is somehow preferable for law enforcement officers to not even initiate a stop by engaging blue lights and siren even when the vehicle is reported to the Officer as stolen (through the commission of a felony crime) as this car was.

We also know that before its involvement in the fatal collision that claimed five lives on September 30th, that this same vehicle was not only reported stolen in Greensboro in early September, but also avoided an attempted traffic stop initiated by GPD on September 16th, and used as the get-away vehicle in a theft of property from a CVS store in Eden on September 28th (just two days before this fatal crash).

The criminal operator or operators of this car were clearly going to continue on this crime spree and path of lawlessness until they were caught. In fact, since the accident, we have learned that the suspected driver of the vehicle that collided with Ms. Warshauer and Ms. Bolick on September 30th was a convicted felon, with a prior conviction for felony speeding to elude police and that he had been charged with various crimes on **96** prior occasions.

The loss of innocent lives is never *“acceptable”* (as some outsiders have phrased the question) to me as the Sheriff or to the Deputies and Detention Officers of the Guilford County Sheriff’s Office. That said, choosing not to pursue vehicles only emboldens criminals to commit more crimes. While some have argued that not pursuing criminals could be safer in some circumstances, the opposite, in my opinion, is equally or more true. In other words, choosing not to pursue lets criminals know that they can commit further crimes with less likelihood they will be caught. This leads to more crime which is a far greater threat to the personal safety of the law-abiding citizens of Guilford County. In fact, we are seeing that increase not only in property crimes (e.g. more

vehicle thefts) but also violent crimes (e.g., more frequent shootings) right here where we live in Greensboro and its surrounding areas.

Going forward, we will closely examine our Agency's policies. This is not "lip service". In fact, to start that process, I convened a meeting yesterday afternoon of more than 20 of my top Command Staff members and District Supervisors including the Chief Deputy, the Major over my Patrol Bureau, and the Captains and Lieutenants supervising patrol operations. We are examining our pursuit policies and training protocols and will carefully consider whether improvements can be made. You have my word on that.

I want to close, however, by re-emphasizing that choosing not to pursue has its own steep price and dangerous consequences in that it encourages criminals to commit more crimes because it substantially reduces the chances they will be caught and because it provides them with a blue-print for how to commit crimes successfully. I also want to reiterate my firm belief that this tragic accident on September 30, 2017 was caused by the criminally reckless actions of the suspect and only the suspect. Deputy Lineback's decision-making and actions were justified by State law, by what he knew at the time, and given the split-seconds that he and similarly-situated Deputies and Police Officers are given to make such decisions when confronted, not by their own choosing, with criminals who lack any respect for the law or regard for morality and human life.

BJ Barnes, Sheriff of Guilford County