



Summary of Assistance Report Criminal Investigations Division

Suspect: Bobby L. Queen Jr.
Victim(s): Police Officers and Neighbors
Case#: 08-045601
Date: 06/06/2008
Description: Summary of Observations and Involvement
Completed by: DET. SGT. DEWAYNE SCOGGINS
Submitted to: DET. LT. BARRY THARP

Suspected Violation: RECKLESS ENDANGERMENT 39-13-103

Possible Witnesses Identified

1. Deputy Shane McKee Initial Reporting Officer On scene/In Danger Zone
2. Sgt. Clint Denny Spoke to Victim Kim Queen At Scene In Danger Zone
3. Kim Queen At Home and in the general area at time of Shots /In Danger Zone
4. Capt. Steve Lawson On Scene In Danger Zone
5. Det. Kevin White Interviewed Kim Queen on scene and In Danger Zone
6. Robert Starnes Hamilton County S.O. Hostage Negotiator On Scene/talked with Kim Queen and may have been told about gun being pointed at her.
7. Lt. Jimmy Woody On Scene in Danger Zone
8. Lt. John Stone On Scene in Danger Zone
9. Lt. Wayne White On Scene in Danger Zone

10. B.C.S.O S.W.A.T On Scene in Danger Zone
11. H.C.S.O S.W.A.T On Scene in Danger Zone
12. Residents of Many Homes within range of 1 mile of possible Stray Round from M16 .223 round that is high powered and great penetrating power.
13. Director Mike Hall Spoke with Suspect by phone During Incident Mentions of Suicide and may have heard rounds being fired. Definitely heard rounds being racked into rifle.

Evidence List

1. Missing .223 Rounds that went through Roof
2. Statements from Above Witnesses if Taken
3. Ballistic Data regarding travel distance and penetration power of .223 round
4. All other evidence collected by B.C.S.O Forensics

Synopsis of Participation

At approximately 6:20 am on June 6, 2008 I received a call from Lt. Jimmy Woody of the Bradley County Sheriff's Office stating that an incident had occurred at the home of Bobby Queen a member of the 10th Judicial District Drug Task Force at 140 Old Tasso Place NE. Lt. Woody stated that a Domestic Disturbance had occurred where Queen was held up inside his home since approximately 11:30 pm the night before and had fired several shots with his M16 automatic rifle in 3 round burst in an unknown direction. Woody stated that Queen had eventually made contact on B.C.S.O radio frequency TAC 8 stating that he was done to come get him. Woody told me that members of the B.C.S.O Swat team, Cleveland Police Department Swat team, and the Hamilton County Sheriff's Office Swat team had been on scene all night until Queen was taken into custody. Woody requested that I respond to the Criminal Investigation Unit to assist Det. Kevin White in his efforts to interview Kim Queen who is Mr. Queen's wife. According to Woody, she had been at the home during the initial stages of the incident.

I responded to C.I.D and made contact with Lt. Woody, Capt. Steve Lawson, and Det. Kevin White. Points of interest were discussed from approximately 6:40 am when I arrived until approximately 11:30 am when they went home regarding case facts and possible charges to be file against Bobby Queen. I observed TBI Agent Barry Brakebill go into an interview room with Kim Queen and he emerged stating that he had taken a sworn statement from her that she was

never assaulted. I observed Lt. Woody and Agent Brakebill go to the holding area of the Jail and talk with Bobby Queen. I was requested by Woody to bring a Blood Alcohol Collection Kit to the Jail area for a Blood test to be performed on Queen. Woody told me he attempted to conduct a Breathalyzer test but the equipment was not functioning. I then went with Woody to Skyridge Main E.R. to have blood drawn from Queen. We met Deputy Bill Burt who had transported him there in his patrol unit at the E.R.

After returning from the E.R., District Attorney General Steve Bebb came into Capt. Steve Lawson's office where discussions were being held about possible criminal charges on Queen for his actions. Bebb had an opinion at that time that he didn't believe any crime had been committed based on what he knew then. Points of interest were suggested that Mr. Queen firing a High Powered M16 rifle through the roof of his home that he endangered many people in the immediate area including responding police officers and deputies. Bebb requested to speak with Bobby Queen and I arranged that. He spoke with him in the small conference room in C.I.D. alone most of the time. I also had B.C.S.O medical staff come to C.I.D. to administer blood pressure medication to Queen at his request that had been retrieved from his home. I observed medical staff check his blood pressure and they stated he was not in any danger but gave him his medication as prescribed by his doctor.

ADA Mack McCain and DA Investigator Walter Hunt arrived at approximately 9:45 am at C.I.D. with information they had researched regarding threats of Suicide. McCain facilitated admittance to Moccasin Bend Treatment Facility to have Queen Evaluated for threats of Suicide under Tenn. Code. Ann. 40.7.103 which stated law enforcement may make a warrantless arrest under these conditions for safety. Opinions were given to Bebb and his staff during this time at C.I.D. about Queen should be charged with Reckless Endangerment based on the case facts. Bebb stated he would hold a meeting at his office at 11:00 am to discuss the facts of the case with his staff for recommendations about criminal charges.

I was left at C.I.D. to assure that arrangements were made for Mr. Queen to be transported to the treatment facility once word was sent to me by Bebb about the criminal charges. I received a call from DA Investigator Walter Hunt at approximately 11:20 am requesting for me to find Deputy Shane McKee who had taken the initial offense report. I reached Deputy McKee and spoke to him about his offense report regarding Kim Queen stating that Bobby Queen had pointed a gun at her and she was in fear for her life. McKee told me he was given a directive by his supervisor Sgt. Clint Denny to write the offense report. McKee told me that he informed Denny that he didn't have enough information to adequately write the report and then Sgt. Denny gave him a brief synopsis of the events for the report including the report by Kim Queen that the gun was pointed at her. McKee then called Walter Hunt and relayed this information to him.

At approximately 12:15 pm I received a call from Captain Steve Lawson that a meeting was to be held at the District Attorney's office to review the 911 recordings from the previous night's events and he instructed me to attend the meeting as a representative from the Sheriff's Office. Lawson also told me to call Bebb immediately and request a decision on the charges to be filed

since Queen was still in our custody and being detained. I then called General Bebb and he stated that a decision would be made after the 1:00 pm meeting and we had his directive to hold Queen for his own safety until after the meeting when a decision could be made. He stated he was assuming all liability for the decision to hold Queen at that time and other decisions being made regarding his charges. He further indicated that Queen would be transported to the treatment facility after that meeting to be evaluated for suicidal threats.

I attended the meeting at the District Attorney's office at 1:00 pm. It was discussed that Mac McCain, and Walter Hunt had already reviewed the 911 tapes and they reported that Kim Queen was very calm and stated that Bobby Queen had not hurt her and had never hurt her. They stated the recording was available for anyone who wanted to hear. The meeting continued with almost all assistant District Attorneys present from the Bradley County office with the exception of Drew Robinson. Also present was Barry Brakebill, Walter Hunt, and Director Mike Hall of the DTF. Agg. Domestic Assault was discussed as a possible charge and the inconsistent story of Kim Queen and the 911 tape stating contrary information lead Bebb and his staff to the decision that Probable Cause did not exist to charge with Agg. Domestic Assault based on reports that Queen had pointed a gun at Kim Queen and she was in fear. They stated that she was not credible and a reasonable likelihood of conviction was not present. Next it was discussed that Reckless Endangerment was a possible charge. ADA Stephen Hatchet offered information about case law which stated that a specific person must be identified that was in danger and that they be in the danger zone for this charge to apply. I stated that all responding officers were in danger who were present as well as anyone living within 1 mile of the Queen home based on the penetration power and travel distance of rounds of the M16 fired by Queen which could have struck anyone in that danger zone of 1 mile. I also stated that residents had to be evacuated due to his reckless actions and the danger present. I further added that any reasonable person would know that firing a high powered rifle would be a danger to others and that Queen knew that the officers were outside his home as he acknowledged this to Mike Hall over the telephone, but more importantly the Queen was a trained 22 year veteran police officer with specific knowledge of how dangerous firing this type of weapon could be for those in the general area, and that he had put his fellow officers in danger not to mention all the neighbors. Hatchet indicated that officers were not in danger and that the statute requirements were not met. All the Assistant D.A's. seemed to agree. TBI Brakebill also lobbied for charges of Reckless Endangerment. Public Intoxication was also discussed but it was determined he was never outside in public until officers enticed him outside. Hatchett stated that a man in his home had not violated this statute and that just because officers were summoned to investigate him hurting himself didn't give them the right to bring him into public view and then arrest him for Public Intoxication. Mike Hall then stated that Queen had in fact called him that night before the event took place and resigned his position with the DTF. He suggested that Queen no longer had the authority to possess an automatic weapon because Hall had instructed him to lock all his weapons and issued equipment in his patrol unit and he would retrieve them tomorrow. He suggested that when Queen went to the Patrol Unit and got the M16 he was stealing property from the DTF. Wayne Carter stated that since the equipment and guns had not been officially returned these charges would not be appropriate. He also pointed out that Hall had told him he did not accept his

resignation. The notion of where to send Queen for his mental health evaluation was then discussed. They wanted Hall to talk with Queen to see if he would volunteer to admit himself to a 30 day in treatment drug and alcohol treatment facility. I expressed that we should first under TCA have him evaluated for his safety and then if no charges were to be filed he could then check himself into the treatment facility. The meeting concluded with no apparent charges to be filed against Queen and that he would receive his evaluation for his safety and the public's safety. I suggested that the case facts be presented to a Grand Jury for their consideration. Gen. Bebb stated that he did not want the possibility of a Grand Jury indicting a case that had no Merritt or Probable Cause and that this was unnecessary.

I met with Director Mike Hall of the DTF at C.I.D to arrange for him to meet with Queen to discuss his voluntary commitment to a Drug and Alcohol Facility after his evaluation. They met in the small conference room and Queen agreed according to Hall. I arranged transport by our agency by Rob Jensen to Moccasin Bend Mental Health facility.

Chief Bill Dyer and Lt. Barry Tharp came to C.I.D and I had a discussion as to what the DA had decided about criminal charges. We were all in agreement that he should be charged with Reckless Endangerment as has happened many times under similar circumstances. A conference call was made with Sheriff Tim Gobble, Captain Steve Lawson, Chief Bill Dyer, Lt. Barry Tharp, and me to discuss a course of action regarding our obligations to the safety of the public. I was told by Captain Steve Lawson during this call to compile a synopsis of investigation pointing out the relevant facts of the case to submit to the District Attorney General with a recommendation that Queen be charged with Reckless Endangerment.

After the call I discussed with Lt. Tharp that I would be on vacation next week and he stated that he would complete the final synopsis and for me to give a case summary to him with my knowledge of the case facts.

Relevant Case Facts to Consider

1. Queen's shooting a high powered M16 rifle recklessly into the ceiling of his home with the full knowledge of a trained police officer of the possible consequences and danger posed to the general public, neighbors, and officers he knew to be outside his home. His training would have taught him that this type of weapon and the .223 round fired from it would travel a great distance possibly up to one mile and that the penetrating power of the round is very high.

2. The Reckless Endangerment Statute states that a person commits the offense who engages in conduct that places or may place another person (in my opinion even other police officers) in danger of death or serious bodily injury. I am certain that when the officers on the scene heard the three round burst from an automatic weapon fired they were in fear of death or serious bodily injury. A deadly weapon was used to accomplish this act.

3. That at least 4 .223 rounds were fired into the ceiling of his home that could have killed or injured many officers and residents and that these residents had to be evacuated from their homes in the middle of the night because of the apparent danger.

4. That Kim Queen did state to someone (unknown possibly Robert Starnes) that Queen pointed a gun at her and that she was in fear. Even though she is not a credible witness the mere fact that he had a gun and was attempting to get her to leave the home as witnessed by Mike Hall via phone supports her initial statements during the heat of the moment. As we all know many spouses' change their stories after time to reflect on the consequences in many cases. This information should at least be considered by a Grand Jury for the Charge of Agg. Domestic Assault. If a reasonable likelihood of conviction is the District Attorney's standard I agree she is not credible however see what the best evidence is rather than just dismiss the notion of the charge because she is not believable and trying to protect him. We often have to protect victims of crime against their wishes. She may not be a good victim and may be the cause of many of these problems but look at best evidence.

5. Several factors concerning public intoxication could be considered because he did pose a danger to himself and others. It was my understanding that Queen was not asked to come into his driveway in the public view, retrieve a dangerous high powered weapon with the chances of accidental discharge between his car and home. Many people were in danger during this portion of the event and could also be considered for public intoxication.

6. Disorderly Conduct also is a consideration due to his causing a public alarm and annoyance of the residents who lived nearby. He was in public unsolicited by police on several occasions during this event.

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