

Car 'black box' probed in drowning

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Using device in officer's auto to aid investigation a local first

In a first for local police, a "black box" data recorder in a private automobile will become part of a crash investigation — in this case, the Sept. 6 wreck in which a Metro police officer skidded his car into the Cumberland River, killing a fellow officer.

The data recorder, similar to those used on airplanes for decades, was pulled from the 2004 Pontiac Grand Prix driven by Officer William Bishop, 32.

The device, which is hidden away in mostly newer-model Ford and General Motors vehicles, records information before a crash, such as the vehicle's speed, air-bag deployment, use of brakes and whether seat belts were used.

How the information is used in this case could pave the way for future investigations here. There is potential that its value will go beyond crash investigations into homicides, robberies and other crimes.

"The possibilities where there could be valuable evidence are kind of limitless," Davidson County District Attorney General Torry Johnson said yesterday in a telephone interview. "I could certainly conceive of many times it could be valuable."

Johnson said his office asked Bishop's attorney for permission to pull the device from the vehicle for analysis. The attorney, David Raybin, agreed and police took it on Saturday. It is being sent to an expert for analysis, but Johnson and police are unsure exactly where it is going.

"To me, it's just a new thing, and is a new angle on this case that others haven't had," said Raybin, a criminal defense lawyer and Nashville legal scholar.

Raybin said that he has never defended a client in a case in which an event data recorder was used as evidence.

"The police and the (district attorney) are to be commended for using that technology to get accurate facts. You can actually see what it says. It's the flight data recorder on the ground."

Police hope the recorder's data will add to what witnesses have described: Bishop's car speeding down a small, two-lane road in Madison, reaching the end, skidding, and then crashing over the edge. One of Bishop's two passengers, Paul Cleveland, 28, a three-year Metro officer, drowned.

Bishop and Cody O'Quinn, 28, also a Metro officer, escaped from the sunroof of the submerged car. Cleveland never got out.

The wrecked car is now at Metro's vehicle impound lot, where it has been stored since the crash, Raybin and police said.

Although data recorders on private vehicles are relatively new, marked Metro police cars have carried monitoring devices for years.

The devices, called tacographs, record an officer's speed, whether the car is in motion, and whether emergency equipment was activated.

Unlike the data recorders, which are electronic, the tacographs use a stylus to capture information.

The electronic recorders in private vehicles are far more comprehensive, providing detail about a car's mechanical movements, such as how much brake pressure was applied at a certain point.

The action in the local crash investigation came last week, when police investigators realized that Bishop's car was among numerous models that have the data recorder, Metro police spokesman Don Aaron said.

Asked whether police and prosecutors might use this technology to solve other crimes, such as homicides, robberies and car chases, Aaron says it's possible.

"If, indeed, this device accurately records the precise characteristics of vehicle movement, it could prove to be a valuable tool.

"This is the first time the Police Department has attempted to use this device as potential evidence in a crash investigation.

"We need to see for ourselves exactly what type of data it contains."

Because the vehicle was submerged, police and Raybin both wonder whether the data recorder is intact and whether it will be of use.

Johnson said no decision has been made about filing criminal charges against Bishop. *The Tennessean* has reported that a test showed no alcohol was in Bishop's blood that night.

Raybin said, if charged, Bishop could face one of several driving-related homicide charges.

A criminally negligent homicide charge carries a sentence of one to two years in prison, reckless homicide carries two to four years, and vehicular homicide three to six years, Raybin said.