

NEVER AGAIN - Earlier chances to arrest woman - Patriot-News, The (Harrisburg, PA) - January 25, 2018 - page A1

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DEPUTY U.S. MARSHAL SLAIN

The woman at the center of a fatal U.S. marshal's raid last week in Harrisburg had appeared in court twice in recent weeks but nobody checked to see if she had an outstanding arrest warrant.

Had authorities at the Dauphin County Courthouse checked the name of Shayla Lynette Towles Pierce when she appeared in court on Dec. 12 and Jan. 4 on an old case, they could have arrested her on either occasion.

Instead, 14 days later, nine members of a U.S. marshal's fugitive task force went to her home in the 1800 block of Mulberry Street to arrest her on the new charges.

During the early morning tactical raid, her boyfriend **Kevin Sturgis** opened fire on officers, killing Deputy U.S. Marshal Christopher Hill and wounding York Officer Kyle Pitts in the arm.

Harrisburg Officer Jeff Cook also was shot in the chest but was not wounded because of his protective vest.

The raid would have been avoided if authorities at the courthouse arrested Pierce last month or earlier this month when she appeared to face a 2012 simple assault charge.

The situation illustrates a systemic flaw in warrant checks at the courthouse due to an overwhelming number of criminal cases.

Officials on Wednesday said they were working on solutions to fix the flaw.

"I don't want this to ever happen again," said Chief Deputy Jack Duignan of the Dauphin County Sheriff's office. "I think we can do better."

Duignan said officials from his office, the district attorney's office and court administrators were looking for a way to check every defendant scheduled for court for outstanding arrest warrants. Each office as well as local police departments have a responsibility in checking defendants on the docket, he said.

It's more efficient to arrest wanted defendants when they're in court, Duignan said, instead of trying to chase them down later in the streets or in their homes.

There has been widespread speculation that Pierce was not the ultimate target of the Jan. 18 raid, because the marshal's service specializes in fugitives who have crossed municipal or state

boundaries.

Her boyfriend from Philadelphia appeared to be a more likely target of a marshal's raid. He had outstanding warrants from Philadelphia, but officers would not have had the authority to enter Pierce's house to look for Sturgis without a special search warrant for him.

To get a warrant for Sturgis, officers would have to provide probable cause that he was at the house.

But an arrest warrant for Pierce would allow officers to enter the home and arrest anyone in there for outstanding warrants as long as they had a reasonable belief that Pierce was inside.

In Pierce's new case, she was facing a felony charge for having a gun in her purse without a concealed carry permit and two misdemeanors for an incident in front of her home on Nov. 25. She allegedly pointed the gun at another driver's head when the driver asked her to move her car that was blocking traffic.

Police filed the charges against her in that case on Dec. 2 and the judge issued an arrest warrant the same day, entering it into a national database.

Ten days later, Pierce appeared in court to face a simple assault charge from November 2012 where she was accused of punching her 14-year-old daughter in the face multiple times, causing her nose and mouth to bleed.

Pierce again appeared in court Jan. 4, and successfully argued that she was allowed to discipline her unruly daughter. The judge agreed the case was flawed as state law allows parents to physically discipline their children within limits.

Prosecutors then dropped the case and Pierce walked out of the courthouse.

Nobody checked Pierce for outstanding arrest warrants during either court visit because the sheriff's warrant division simply doesn't have the manpower, Duignan said.

The warrant division containing a sergeant, two deputies and a civilian administrative position, typically aim to check all defendants for any warrants from their own office. Those warrants would be for domestic relations or bench warrants, which are warrants for defendants who skip court hearings.

On an ideal day, the warrant division would complete their own checks and also check state and national databases, which would reveal outstanding criminal warrants.

But that doesn't always happen, Duignan said, because the warrant division also is responsible for receiving and entering dozens of new bench warrants each day as well as assisting deputies in the field.

"They're building new warrants as fast or faster as the old ones being served," Duignan said.

The county last year processed more than 7,000 criminal dockets and that doesn't account for continuances and the fact that defendants typically make multiple appearances for each docket.

With 60 percent of cases being continued, that could mean tens of thousands of warrant checks each year in addition to the warrant division's other duties.

District Attorney Fran Chardo said the sheriff's office has done a great job with the resources they have, but he agreed a better system must be put in place.

The case involving Pierce likely isn't the only time a defendant with an outstanding arrest warrant has been missed, Duignan said. Many times, it's not known when it happens because no one is researching and comparing dates.

In light of the deadly raid, however, much attention has been focused on Pierce's criminal background and the reasons behind the raid of her home.

U.S. Attorney David Freed hinted during a news conference eight hours after the deadly raid that there might be a larger story behind why an elite regional task force was at Pierce's home. But he declined to elaborate.

Harrisburg Police Chief Thomas Carter would not say if he requested the marshal's assistance in arresting Pierce because of the ongoing investigation.

"I'm not going to answer that," he said. "There are many, many parts of this puzzle."

Freed said he would provide updated information about the ongoing investigation of the deadly encounter as soon as he was able.

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