

Senate eyes rules for police pursuits

By Tim Richard
staff writer

Police officers say they can't do their jobs if they have to worry about criminal charges arising from high-speed auto pursuits.

But a prosecutor says many high-speed chases are unnecessary. "It's not worth catching a speeder to endanger the public," said Richard Thompson, chief assistant Oakland County prosecutor whose office attempted to prosecute two officers in the last year.

They testified last week before state Sen. Richard Fessler, R-West Bloomfield.

"WHEN INNOCENT people become victims while a police officer is trying to do his job, it is time to explore new ways to enforce laws that also ensure the safety of outsiders," Fessler said.

Fessler is chairman of the Senate State Affairs, Veterans and Transportation Committee. Although no specific legislative bills are pending, he is collecting ideas on whether to limit police liability, what training to require and

what guidelines should be engraved into the grain of state law.

Highlight of the hearing in Oakland County was the exchange between a sheriff's deputy and Thompson.

"THEY WERE doing what was expected of them. They were doing their jobs," said police spokesman Michael McCabe of the two officers who were charged. McCabe is vice president of the Oakland County Deputy Sheriff's Association and representative of the state association.

Noting that negligent homicide charges against both officers were dismissed at pre-trial district court examinations, McCabe said, "They shouldn't have been charged. . . They shouldn't have been charged in Macomb or Wayne counties."

"They make split-second, life-or-death decisions. The prosecutor and his staff took eight months to make their analyses."

Asked by Fessler if police should be taught to distinguish between a driver making an illegal turn and a hunted

bank robber, McCabe replied, "An officer doesn't know if he (the driver) might not have made the illegal turn because of the bank robbery."

The deputies' representative said it would be "a step in the right direction" to grant officers full immunity except for gross negligence if damages result from pursuits.

"THE BOTTOM line is that police chases need to be controlled," Thompson replied.

Quoting material from the International Association of Chiefs of Police, the chief assistant prosecutor said police pursuits result in 6,000 to 8,000 crashes a year and 300-400 deaths.

"High-speed chases result in more injuries and deaths than any other law enforcement activity, including the use of firearms," he said. "The number of injuries requires more accountability, not less."

To McCabe's contention that liability would place unnecessary pressures on officers' willingness to enforce the law, Thompson denounced it as "a subtle attempt at intimidation of the public."

He said only six in 90 high-speed chases in Oakland were of felons. "It's not worth catching a speeder to endanger the public. High-speed chases are not an effective tool. Many officers privately admit that (a fleeing driver) is a personal challenge to their authority and ego."

THOMPSON EMPHATICALLY opposed limiting police officers' immunity from damages in pursuit cases.

"They should have the same standard of liability (as the public). Limiting (police) liability will encourage the kind of reckless conduct a few officers engage in."

"Most police chases are not split-second decisions," Thompson said. The northern Oakland County case which resulted in deaths of two innocent persons lasted 15 minutes.

The Troy case, in which one person was killed and another seriously injured, lasted 15 or 20 seconds. The Troy patrol car was going 90 mph with neither lights flashing nor siren sounding, he said.

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— State Sen. Richard Fessler, R-West Bloomfield

In the northern Oakland case, the fleeing driver was found to have a stolen car, though that wasn't known during the chase. The fleeing driver in Troy never was caught.

Thompson advocated mandatory minimum jail sentences for motorists who flee a police officer.

standards than the state.

Troy city attorney Peter Letzmann suggested a police officer not be criminally charged unless there is a showing of gross negligence — "an utter disregard for human life. Perhaps then."

Steve Zimmerman of the Detroit Police Officers Association said prosecuting officers has a "chilling effect" on law enforcement and sends the "wrong message" to violators.

THE LEGISLATURE was challenged to write pursuit guidelines by John Nichols, newly elected sheriff, former Farmington Hills police chief and one-time Detroit police commissioner.

Taking a middle ground between Thompson and McCabe, Nichols said, "Tell us the rules. Once the rules are laid out, there's not a police chief in this room who won't live with them. They're honestly seeking guidance."

"We cannot require an officer to give chase, then punish him criminally because of an unintentional tragedy."

"There's no acceptable, clear-cut definition as to when you give chase and when you break off."

- FESSLER SAID he is wrestling with many ideas and questions as he ponders state legislation governing pursuits:
- Should high-speed chases be used? If so, when?
- When should they be broken off?
- Should the matter be left to state law or local policy? Should there be different rules for urban and rural areas?
- Should prosecutors be required to prove gross negligence, rather than negligence, in charging police officers for homicide in pursuit cases?
- Should training be required? What kind? Every year?
- Should pursuits be allowed only by police vehicles with a "bubble" light on top? Or should those with only dash lights be allowed to pursue?
- Should the use of both sirens and lights be mandated? Should louder sirens be required to overcome the noise of sirens, air conditioners and tightly-closed car windows?

Murphy adds 4 to Oakland staff

Oakland County Executive Daniel T. Murphy recently announced the hiring of four people to new positions.

Kenneth R. Patterson of West Bloomfield was named manager of the community development division. Patterson served as the chief of operations for the community division from October 1983 through December 1984.

He was primarily responsible for the Home Improvement section, block grant compliance section and special projects. Before joining the county in 1984, he served 20 years in the U.S. Air Force. Patterson replaces Marcia Berkley, who resigned to accept a post in Massachusetts.

Oakland County Economic Group.

Samuel F. Minnitte Jr. and Daniel P. Hunter were hired as business development representatives. They will provide resources and technical assistance to legal communities and businesses contemplating investment and growth in the county, by linking business to the appropriate local, regional, state and federal resources and programs.

Minnitte, previously of Beaver Falls, Pa., has served as a financial analyst to the Beaver County Community Development Agency, where he was involved in packaging loans for a revolving loan fund and administering a non-profit development corporation.

Prior to that, he was the economic planner to the Beaver County Planning Commission, where he was responsible for economic development program design and evaluation.

HUNTER HAS spent the last three years as an economic development specialist with the city of Reading, Pa. He assisted in the development and implementation of community development grant business loan program. Prior to that he was a planner with Steuben County, N.Y.

Ronald J. Fustlier was hired as an entrepreneurial specialist I in the economic development group. He will provide technical, managerial and financial services and information to small businesses in Oakland County.

He will act as a catalyst for start-up and growth stage companies in Oakland County by developing networks of public and private resources.

He has held technical and managerial positions with Dun and Bradstreet in Detroit, Allen Electric Supply Co. in Livonia and Erb Lumber Co. in Posen, Mich.

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