

# TopCops NewsMagazine

## October 2006 – Volume 3

TopCops on the Internet - <http://www.topcops.com/>



Men and Women of law enforcement from around the world  
Los hombres y las Mujeres de la aplicación de la ley de alrededor del mundo  
*Les hommes et les Femmes d'application de la loi d'autour du monde*  
*Männer und Frauen der Strafverfolgung von um die Welt*  
Gli uomini e le Donne di imposizione della legge da intorno il mondo  
<http://www.topcops.com/>

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### THIS MONTH'S ISSUE:

**Submitted by Jerry Orton**  
**Warrantless searches**

**Submitted by Fred Leland**  
<http://www.jesc.net/>

**Submitted by Derwin Pannell**  
**(View on high speed chase)**

**News articles –**

**High speed chases**

**Submitted by Tom McNalley**  
**The Vikings invade Scotland**



TopCops Member Grant O'Neil from Australia

## 6) POLICE CAN CONDUCT A WARRANTLESS SEARCH OF A PAROLEE WHERE THERE IS NO REASONABLE SUSPICION OF WRONGDOING WITHOUT VIOLATING THE FOURTH AMENDMENT, U.S. SUPREME COURT RULES:

Police can conduct a warrantless search of a parolee where there is no reasonable suspicion of wrongdoing without violating the Fourth Amendment, the U.S. Supreme Court ruled last month. In this case, a California parolee, Donald Samson, was walking down the street with a friend and her child in September 2002 when a San Bruno, California, police officer stopped him. The officer said he recognized Samson "from a prior contact" and was aware that he was on parole.

The officer asked Samson if he had a warrant at that time, and Samson replied that he did not. The officer then proceeded to conduct a search of Samson, without Samson's consent and without a warrant. The search uncovered a plastic baggie containing methamphetamine, and Samson was immediately arrested. Samson filed a motion to suppress the evidence on the grounds that the search violated his Fourth Amendment's right to be free from unreasonable search and seizure. The motion was denied by the trial court, and Samson was found guilty of possession of methamphetamine. He then appealed to the California appeals court.

The California appeals court, however, sided with the trial court, noting that as a condition of Samson's parole he had agreed to "search and seizure by a parole officer or other peace officer at any time of the night or day, with or without a search warrant or with or without cause." While California is the only state that requires parolees to agree to be searched for no specific reason, the appeals court explained that such conditions are now automatic there, and are imposed on every parolee.

The appeals court went on to say that established law contravenes Samson's contention that a parole search must be based on reasonable suspicion of criminal activity by the parolee, and rejected his argument that the search was "arbitrary, capricious and harassing." Accordingly, the appeals court held that the search was lawful. Samson eventually appealed his case to the U.S. Supreme Court.

In a 6-3 decision, the U.S. Supreme Court held that the Fourth Amendment does not prohibit a police officer from conducting a suspicionless search of a parolee. The high court explained that parolees, who are on the "continuum" of state-imposed punishments, have fewer expectations of privacy. "The essence of parole is release from prison, before the completion of sentence, on the condition that the prisoner abides by certain rules during the balance of the sentence." The Court stated that this requirement was explained to Samson, and he signed a document submitting to the condition. Thus, Samson was unambiguously aware of it.

As for the State's interests, the Court said, they are "substantial." A State has an "overwhelming interest" in supervising parolees because they "are more likely to commit future criminal offenses." Similarly, a State's interests in reducing recidivism warrant privacy intrusions that would not otherwise be tolerated under the Fourth Amendment, the Court added. Accordingly, the Court determined, under a "totality of the circumstances" approach, the police officer did not violate Samson's Fourth Amendment rights when he conducted a suspicionless search.

The case is Samson v. California, Supreme Court of the United States, No. 04-9728, June 19, 2006.

### Job Opportunities:

The NSA is looking for people to work in Security. [www.nsa.gov/careers/careers\\_6.cfm](http://www.nsa.gov/careers/careers_6.cfm)

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## Interpersonal Communications and Officer Survival: Fred T. Leland Jr.\* <http://www.lesc.net/welcome.htm>

**Fred T. Leland** (Instructor) is a current Police Lieutenant and a former United States Marine. He is an experienced trainer with over 20 years training law enforcement, military and security professionals with a Bachelors Degree in Law Enforcement. He is also a graduate of the FBI National Academy Class 216 where he specialized in terrorism related topics as well as leadership and management. His classes are interactive with use of real world examples to bring the point home. His specialties are handling dynamic encounters, terrorism awareness, use of force, impact weapon techniques, chemical spray, handcuffing, firearms, small unit CQB, and patrol procedures.

How Understanding The Boyd Cycle and Non-Verbal Communication Can Save a Law Enforcement Officer's Life!  
Republished with permission.

### Introduction

According to FBI statistics, over 50,000 law enforcement officers are assaulted each year. One out of every three officers assaulted is injured, and approximately 70 officers make the ultimate sacrifice in the performance of their duties, losing their lives. While safety and survival issues have made great strides over the last twenty years, we are still missing a vital link to that survival training: the understanding of interpersonal communication and how it relates to police officer survival. We study interpersonal communication in an effort to get more productivity out of organizations and more satisfaction out of our personal relationships. An important link, however in interpersonal communications is the relationship between a law enforcement officer's encounter with a citizen and how that communication—read properly or improperly—relates to survival on the street. The subtle signs of danger that are often missed by officers are key to an officer's winning conflicts on the street, whether through verbal persuasion, hands on defensive tactics, or deadly force.

To insure that the reader has a full understanding of what law enforcement officers face when handling dangerous encounters, we will first look at the law and what information law enforcement officers must know and understand thoroughly in order to reduce friction in decision making. Second, we will look at an actual incident that I have used training law enforcement officers. This incident starts off as what we in law enforcement call an "unknown risk incident." It is a car stop initially that slowly turns into an all-out assault on the officer, an assault that I believe could have been prevented if proper observations, orientations, decisions and actions were made and taken. Finally we will discuss the Boyd Cycle, how it relates to this particular case study and its overall importance to law enforcement officers when understood and used properly. The Boyd Cycle will give law enforcement the edge it needs to win on the street, the edge necessary to take the initiative and defend themselves physically from dangerous encounters. For those reading this article it is important to understand that this paper is specifically related to how understanding the Boyd Cycle and non-verbal communication can save a law enforcement officer's life!

## The law

We look to the law in the area of use of force to gain a better understanding of the types of issues law enforcement must contend with in dynamic encounters. In the U.S. Supreme Court case, *Graham v. Conner* (1989), the Court mandated that the correct test to measure the appropriateness of an officer's actions is by using the "objective reasonableness" standard. The reasonableness of an officer's actions is not subject to interpretations from others outside of the profession but is to be judged from the perspective of a "reasonable officer." The Supreme Court went on to say that officers' actions should be judged without regard to the intent or motivation of the responding officer. Further, such decisions should be made "from the perspective of a reasonable officer coping with a tense, fast evolving scene, rather than with 20/20 hindsight" (Graham, 1989, p. 1872). The Graham decision provides a basis that can be used to examine the role and factors that are important to the legal determination and evaluation of the "reasonableness" of an officer's actions. However, the decision clearly states that "reasonableness ... is not capable of precise definition or mechanical application" (Graham, 1989, p. 1981). It is evident that no policy or other organizational procedure is capable of providing precise definition as to what appropriate force is or how much force should be used. Thus, the only approach that can approximate this standard is one that roughly estimates the situational context in which force incidents occur. Kappeler (1997, p. 72) states that these factors include:

1. Whether the suspect poses an immediate threat to the officer or others;
2. The severity of the crime;
3. Whether the suspect is actively resisting arrest; or
4. Whether the suspect is attempting to escape custody.

The importance of the factors stated by Kappeler (1997) and the Graham decision cannot be overstated. These factors represent the apparent danger or element of risk both clearly evident and perceived by officers as they arrive at a scene and interact with citizens and suspects. Skolnick (1966) spoke of "symbolic assailant" factors, which are elements of encounters possessed by the suspect. There is a combination of individual, situational, and environmental elements that contribute to the totality of the circumstances. We must examine all of the Kappeler elements, stated above, which identify the perceived risk to the officer or others in the immediate area.

## The situation

There are at least three elements that need to be included in any examination of the correct police response. The first element is threat. Threat includes situational clues that are given by the suspect, as well as environmental concerns. The second element is the severity of the offense to which the officer is responding. Past experience of the officer may put the officer on guard as to what type of person or situation he or she is dealing with. Severity of the offense may be considered part of the overall threat perceived by the officer, but in this study, we looked into the non-verbal communication as a predetermining factor of overall threat. In an ideal world this should be the key element that determines if an officer acted correctly in using physical force. However, given the nature of society and the unpredictability of human beings, other situational factors must be considered.

## The problem

Law enforcement officers spend months training at the academy, learning criminal law, criminal procedure, use of force, firearms, defensive tactics, community policing strategies, investigations and officer survival tactics, etc. This training is necessary and critical to how they perform their jobs in their communities once out of the academy. Most states and municipal agencies also have ongoing in-service training to keep officers refreshed in the same areas considered vital to the law enforcement mission to protect and serve.

All this training is what is considered the critical tasks of a law enforcement officer. There is, however, one task missing in the law enforcement profession as a whole. That is the understanding of interpersonal communications and officer survival, especially the non-verbal and verbal cues that relate to danger in a law enforcement encounter.

We spend countless hours training our criminal investigators in how to read body language (kinesics) to detect deception and illicit admissions and confessions out of criminals. History and experience has shown that this study of communication in the area of non-verbal and verbal that relate to anxiety and deception is just as if not more critical to the law enforcement officer on the street as it is to the investigator in the interrogation room.

**EXAMPLE:** On a cool, clear November night an officer is on routine street patrol in a small town. The officer has made several stops and issued garden-variety citations; no arrests for operating under the influence until he clocks a small Nissan pick-up truck at 70 miles per hour in a 55 mile an hour zone. The driver takes a bit longer than normal to pull over once the officer 'lights him up', which sets off a small bell in the officer's mind. However, thinking the motorist was simply seeking a safe place to pull over; the officer gives it little thought. Once stopped, the motorist exits the Nissan, and the officer asks for his driver's license. However, the motorist cannot find his license despite much fumbling with his wallet. His two small sons are also in the Nissan, and finally one of them pokes his head out the window and informs his father that mom (for whatever reason) has the license. So, the officer using the subject's social security number calls dispatch which subsequently informs him there are no 'wants' or 'warrants' out for the subject. The officer transmits to dispatch in front of the subject and the return information from the dispatcher also is broadcast in front of the subject. The officer later says that had there been any negative information on the subject, his dispatcher would have told him to 'clear for traffic', and he would have moved to a location away from the subject. In addition to the subject fumbling, the officer has detected alcohol on his breath. The subject says he had nothing to drink--other than two or three beers earlier in the night. The officer makes the decision to give the subject a 'breath test, and the test indicates that the subject has a point-12 to point-13 blood alcohol content; legal limit is point-08. The officer decides to arrest the subject and goes back to his cruiser to request back-up, but in the transmission only requests that back-up 'ease on over'. His nearest back-up is some six miles distant.

As the officer reads the subject his implied consent rights, the subject obviously (in the camcorder tape) begins to 'turn off' the officer. The subject becomes very agitated and (paraphrasing) tells the officer that if he's arrested he'll lose his job and he won't be able to pay support for his two sons. He reiterates that several times, but the officer has already committed to the arrest. The subject begins to walk away from the officer, and the officer, surprised, grabs the subject by the shirt collar. The subject and officer nose-to-nose now; the subject tells the officer not to touch his "goddamned shirt" --- "don't touch me..." --- etcetera. The officer is just as immovable: "Mr. Anybody, I'm not going to let you go back to that car..." The officer lets go of the subject and is explaining himself to the subject. The subject is standing there with his hands on his hips, looking away from the officer. As the subject and officer are exchanging words, the subject is rolling his shirt sleeves up and then blades his body away from the officer. Suddenly, within a fraction of a second of the subject stepping back positioning his body, the subject throws a tremendous right hook at the officers left jaw knocking the policeman unconscious, to the ground. The subject then leaps onto the officer's prone figure and inflicts a terrible beating (later determined to be 33 blows). The officer is unconscious for most of the beating as the subject is exclaiming: "I tried to tell you...I tried to tell you...I tried to tell you..."

Then, by a seeming miracle, a passing truck driver and his wife see this drama unfolding and stop by to render aid. The truck driver has a large Mag light and proceeds to strike the subject over the head as hard as he can using both hands. The subject stops beating the officer at this point and rolls over to his left side. The

truck driver's wife has taken control of the subject's two young sons, who have both leaped out of the truck begging their father to stop beating the officer.

The officer regains consciousness just as the subject rolls over to his left side and although badly beaten and losing strength is somehow able to handcuff the subject and exclaim "10-17" (urgent call for help) into his shoulder radio.

During the beating, eyewitnesses will later testify, the subject furiously tried to wrestle the officer's gun from its holster, but apparently due to a double thumb safety lock was unable to get to the weapon. The officer is spitting out blood and teeth and is obviously losing strength quickly as back-up arrives and takes control of the subject. The subject is non-cooperative, and just as the back-up officer reaches down to pick the subject up, the handcuffs open. The back-up officer is obliged to use spray on the subject, before he can try to cuff the subject again. Still, though, as the officer is attempting to put on the same cuffs they give way and open a second time. The pepper spray contains the subject, however, and finally the officer uses a pair of his own handcuffs to control him. (Part 2 will follow in next months issue or visit the website for this portion and the balance of this article <http://blog.lesc.net/> )

## **HIGH SPEED PURSUIT – IS IT WORTH DYING**

Submitted by TopCops-L member, Derwin Pannell - Retired NYPD "My thoughts on chases which result in death of innocent bystanders."

A "bystander" is a person is present at an event without participating in it. Much of times when the police are responding to a call or in pursuit an innocent bystander gets killed or injured.

One third of all police chases result in death of innocent bystanders nationwide. In all this is a tragedy. It is sad when someone gets injured and even worst when someone dies. There are stories and cases in the news about it all to often.

Police have taken steps to be safe while in pursuit but things still go wrong. Police have even been told to back away from some pursuits because of all the deaths that have taken place. As written in this story [www.usatoday.com/news/nation/2003-01-05-police-chases\\_x.htm](http://www.usatoday.com/news/nation/2003-01-05-police-chases_x.htm)

Law makers and activist are now working to decrease such pursuits in which innocent bystanders get caught up in. "Kristie's Law" is a law that is trying to become official. Kristie's Law would allow police to only chase after violent felony suspects. This is said to help lower the number of innocent bystander deaths and injuries. All in all the death of an innocent bystander is always a tragedy. A life is gone. D.Pannell, Retired NYPD

# Kearney Mayor Defends Officer After Deadly Police Chase; Victims' Families Devastated

<http://www.kctv5.com/Global/story.asp?S=5436557>

Sep 27, 2006 09:56 AM PDT (This article was posted on the KCTV5 website, the link is listed above)



**KEARNEY, Mo.** - The mayor of Kearney defended the Kearney Police Department's assistant police chief Thursday, a day after a car the assistant chief was chasing crashed into a pickup, killing four people.

It all started when a Kearney mother called 911 about a domestic situation. Kearney mayor Bill Dane gave this account of what happened next. The line went dead, and when a dispatcher called the mother back, no one answered.

Assistant police chief Barney Hatfield got to the house she'd called from and feared the worst when he saw two men driving away in a red car. The men were friends of the mother's son and weren't the reason she called 911, but they didn't stop for him, so Hatfield continued to chase them.

The driver nearly hit several people as he wound his way through Watkins Mill State Park, Dane said, then he ran a stop sign at the intersection of U.S. Highway 69 and Route MM and slammed into a pickup. The fleeing men, the woman driving the pickup and her passenger all died.

Missouri State Highway Patrol troopers were investigating the crash, and Dane told KCTV5 News that an independent review board would make sure that Hatfield followed the Kearney Police Department's chase policy.

In the meantime, Dane said, Hatfield will remain on the job. He's been with the department for more than 20 years. "We don't feel our officer did anything wrong," Dane said. "We have nothing to hide with this. It's just an unfortunate tragedy that took place."

Authorities identified the men who ran as William H. Skidmore, 23, of Excelsior Springs, Mo., and T. Jay Wilson, 25, also of Excelsior Springs. They both had criminal records for crimes ranging from assault to resisting arrest.

Kathryn D. Morris, 32, of Cameron, Mo., was driving the pickup. Clark A. Nelson, 26, of Hamilton, Mo., was her passenger.



## Jury Awards \$5.4 Million for Deadly Police Chase

Sunday, October 01, 2006

*A Randolph County jury returned a \$5,417,500 verdict in a wrongful death case against the City of Sparta.* The case, Don Cole Special Administrator of the Estate of Janet Cole v. City of Sparta and Misty Starr McPherson Randolph County, concluded today. The Coles resided in Ballwin, Illinois. Janet was a 58 year old registered nurse who worked at Redbud Hospital for many years.

Ms. Cole was killed when her car was struck by a Sparta police car driven by Officer Misty McPherson on August 11, 2004. The crash occurred at the intersection of Route 154 and Michael Road at 9:20 am when Ms. Cole was turning left on Michael Road headed towards Burnett's Peach stand.

Officer McPherson was driving 80 mph in a 45 mph zone when she collided with Ms. Cole's car in the passing lane. McPherson's lights were activated but her sirens were not.

Ms. Cole is survived by her husband Don, her two sons Randy, 39, Kenny, 37 and her 2 grandchildren Andrew and Kellian. Trial began on Monday June 26 and was completed on July 3, 2006. The jury deliberated for 2.5 hours after hearing closing arguments today.

Mr. Cole was represented by Charles Chapman of The Lakin Law Firm.

"Mr. Cole, his family and I are grateful for the jury's service and verdict. Hopefully this verdict will signal to police officials that senseless high speed chases will not be tolerated in Randolph County," Charles Chapman said.

Brad Lakin, President of The Lakin Law Firm said, "This is a great verdict for the Cole Family and Charlie Chapman. Court officials in Randolph County said it's the largest verdict in the county's history."



## Hoover man shot, killed after leading police on chase

[http://www.waff.com/Global/story.asp?S=3984144&nav=menu62\\_1\\_10](http://www.waff.com/Global/story.asp?S=3984144&nav=menu62_1_10)

Oct. 01 2006 News article from WAFFNews48.com

TUSCALOOSA, Ala. Police in Tuscaloosa shot and killed a 24-year-old Hoover man who had led them on a chase this morning then struck one of them with the sport utility vehicle he was driving.

Police said Roger Anthony Curtis died at the scene. A police officer was transported to a Tuscaloosa hospital and required reconstructive surgery on his lower right leg. Curtis had pinned him between the S-U-V he was driving and another vehicle, prompting officers to open fire. A Tuscaloosa police officer attempted to pull Curtis over for running a traffic light at 6:12 a.m. on Veteran's Memorial Parkway.

The driver then made a U-turn and refused to stop, throwing an unknown object from the vehicle at one point. The S-U-V driver then parked in the lower parking lot of Lake Shore Apartment complex. He backed the car up as officers approached and then drove it forward into one of the officers.

Police said Curtis was driving a friend's Toyota Four Runner. The friend told officers she did not know he had taken her vehicle. The Tuscaloosa County Homicide Unit and the Alabama Bureau of Investigations are investigating the death.



## **Police Give Way To Chase, Leads To Accident**

<http://www.10news.com/news/9975970/detail.html> -

POSTED: 11:58 am PDT October 1, 2006

SAN DIEGO -- A chase that began when a motorist refused to stop for police Sunday resulted in injuries to at least two people, though the driver got away, 10News reported. The chase began in the 3300 block of Ocean View Boulevard in Mountain View, San Diego police Sgt. Joe Molinoski said.

The pursuit continued north on the southbound lanes of Interstate 15, where the suspect crashed into a vehicle just north of State Route 94, Molinoski said. The victims were taken by ambulance to Scripps Mercy Hospital, a San Diego fire dispatcher said.



## **Police chase driver for 10 to 12 miles Out on bond from previous chase** By VIVIAN AUSTIN

<http://www.sunherald.com/mld/sunherald/news/15635972.htm> - SUN HERALD

PASCAGOULA, Miss.- Sheriff Mike Byrd said chasing down the young woman who drove off in a vehicle with the nine-month-old daughter of a previous friend was not easy.

Andrea Lakela Price, 22, led deputies on a 10-to-12-mile chase north on Mississippi 63 after she left the child at the Cheep-O Deep-O on Mississippi 613 in Escatawpa early Monday evening. Pascagoula police negotiated with Price for the baby's release when she answered a cell phone left in the Pontiac Sunfire belonging to the child's mother, Christie Barnes.

Price, who lives on Basswood Drive, drove off in the vehicle when Barnes went in to pay for gasoline at the Dixie store on Telephone Road. Barnes, 23, of 12th Street, was giving Price a ride home and had stopped for fuel. She called police about 6:12 p.m.

Byrd said Price was determined to escape capture while traveling at speeds up to 100 mph. Deputies spotted the vehicle near Freeman Road just south of Wade. She evaded capture by turning around and traveling south, and then going north again. The chase ended when she collided with George and Jackson counties sheriff's vehicles at Mount Pleasant Road in George County.

There were no injuries, and the vehicles received minimal damage when she slowed down to turn around again, the sheriff said. "It was evident she was not going to stop," said Byrd. "They set roadblocks out, and she went around them." He said Price refused to get out of the vehicle, and deputies broke windows to remove her from the car. "She tried to kick out the windows of the patrol car. I told her that if she didn't settle down, she would be sprayed (with pepper spray)."

The sheriff's department charged Price with felony fleeing. Pascagoula police charged her with grand larceny and kidnapping. "I don't know what made her do it," Lt. Paul Leonard said Thursday. "She has not been interviewed." No bond was set on either of the city charges because Price's bond for a previous chase was revoked Wednesday in municipal court. Price led law enforcement on a chase about two weeks ago that started in Mobile and ended in south Pascagoula. She was charged with felony eluding police, motor-vehicle theft and drug paraphernalia possession. She is at the Jackson County Adult Detention Center awaiting a grand jury hearing.



## Police Chase Suspect Receives 30 Year Prison Sentence

Oct 3, 2006 03:39 PM EDT <http://www.wave3.com/global/story.asp?s=5491804>

(LOUISVILLE) -- A Louisville man who led police on a two state chase earlier this year received a 30-year prison sentence from a Jefferson County judge. In August, Trent Marion pleaded guilty to robbery, wanton endangerment, and several other charges related to the case in Louisville.

They stem from a January 2006 incident when Marion led police from Louisville's West End, after allegedly robbing a grocery store. The chase continued to Interstate 64 to Harrison County, Indiana.

It ended when police there shot and wounded him. The defense requested probation for Marion. Instead, the judge sentenced him to 30 years in prison. A grand jury is currently investigating whether Harrison County police officers acted properly when they shot Marion in his car. Marion also faced charges from the October 2005 robbery of a grocery store.



## Police Chase Ends In Teen's Death Mon Oct 2, 8:09 AM ET

An attempt to flee from police ended tragically for a young man in Boston over the weekend. Police said their pursuit of a car full of teens ended before the car slammed into a pole, but witnesses said otherwise.

NewsCenter 5's Shiba Russell reported that the crash ended near a soccer field in Roslindale, where a makeshift memorial of candles and stuffed animals was left by family and friends of the victim.

"I'm really going through a lot of pain because I really loved him and I still can't believe that this happened to him," said Diana Rodriguez, 13, the victim's girlfriend. Jeffrey Martinez, 15, was sitting in the backseat of a car full of teenagers when it crashed in the 300 block of Hyde Park Avenue early Sunday morning.

"I was asleep and I heard the skidding on the street. I looked out my bedroom window and the car just ... I heard the crash and next thing I know there was cops all over the place," neighbor Kevin Kelly said.

Boston police said an officer first spotted the car with a broken windshield on Columbia Road in Dorchester. The officer pulled the car over after learning that the car had been reported stolen. The car stopped, then took off. Three minutes and 3 miles later, police said, the officer's cruiser had a flat tire and halted the pursuit. A short time later, police said, they got a call about the crash. But witnesses said that didn't seem to be the case.

"They were there right behind him. They were right behind him," Kelly said.

Police insisted that the chase ended before the crash, but that story isn't adding up for some people. One resident, who lives across the street from the crash site, said she saw an officer run up to the wreckage and yell, 'Get out of the car.'

Four teens, including Martinez, were inside the car. One of the teens is in critical condition. Police arrested the driver, Daniel Rodriguez, 17, of Roslindale, in the hospital. He faces several charges, including motor vehicle homicide and speeding.

An 18-year-old female passenger suffered serious injuries and a 14-year-old male passenger suffered non-life-threatening injuries.



# City To Appeal \$17.5 Million Police Chase Crash Verdict - *Suspected Held Only 25 Percent Responsible*

POSTED: 4:27 pm CDT October 25, 2005

**CHICAGO** -- The City of Chicago will appeal a \$17.5 million verdict awarded by a jury to a man whose pregnant wife was killed in a police chase in the West Loop, in part because the criminal suspects who were being pursued in the chase was held only 25 percent responsible, a city Law Department spokeswoman said Tuesday.

A \$17.5 million verdict was reached in the lawsuit by Yong Huang, on behalf of his wife, Qing Chang, on Monday by a jury, according to a court clerk for Circuit Court Judge Lynn M. Egan, who presided over the case.

Chang was killed on Jan. 2, 2003, when a Dodge Intrepid being pursued by police over a stolen wallet slammed into another vehicle at Des Plaines and Madison streets, which in turn slammed into Chang and killed her, according to a news report.

An autopsy later determined that Chang was pregnant when she was killed, according to a news report. The unborn "Baby Huang" was also named as a plaintiff in the lawsuit, according to court records.

Investigations indicated that the officer involved in the chase had disregarded an order to stop, a news report stated.

City Law Department spokeswoman Jennifer Hoyle said the city will appeal the verdict in part because the jury ruled that the city was 75 percent responsible for Chang's death and the criminal suspects who later faced criminal first-degree murder charges were only found 25 percent responsible.

One of the three people charged in the case, Tamika Wilson, pleaded guilty on Sept. 27, 2004, to burglary was sentenced to 58 months in prison by Criminal Court Judge Marcus R. Salone, according to court records. The first-degree murder charges against her were dropped.

The criminal cases against the other two defendants, Larry Scott and Lakesha Smith, continue before Salone. Those two remain charged with first-degree murder and burglary. Hoyle said the appeal had not yet been filed as of Tuesday and probably would not be for several weeks. "We're still looking at a number of issues related to this case," she said.

Attorney William Spiro, representing Huang, said the plaintiff was satisfied with the verdict reached Monday.

"He felt that he wanted to take this all the way through to trial, for the memory of his wife, and he felt that the system was very fair, the trial was very fair, and he's quite pleased with the results," Spiro said. "It was quite an emotional experience ... reliving this whole thing, but he was pleased that the jury agreed that the city was partially responsible."

Regarding the plans by the city to appeal, Spiro said he agreed the three people who later faced murder charges shared responsibility in the accident, but he believed the police officer who initiated the chase was mostly at fault.

"We never once tried to justify or excuse the conduct of these criminals. They were definitely at fault for this," Spiro said. "But in order to have a chase, you need somebody chasing, and the decision to continue a high-speed chase through the Loop during rush hour over the theft of a wallet which was recovered by the police before the main part of the chase got out of the way -- there's just no excuse for that. If (police) wouldn't have done that, there wouldn't have been any collision at Desplaines and Madison and this woman wouldn't have died."

Spiro claimed that evidence showed not only that the pursuing officers ignored a command to stop the chase, but also that there was a civilian in the squad car involved in the chase at the time. "If they hadn't started the chase, there wouldn't have been the outcome that there was," Spiro said.

In the criminal cases, Scott was scheduled for a status hearing during the 9:30 a.m. call Dec. 12, and Smith was scheduled to appear for a status hearing during the 9:30 a.m. call Nov. 2, according to court records. Both were to appear before Salone.

*Information provided by City News Service.*

<http://www.nbc5.com/news/5174944/detail.html?z=dp&dpswid=2265994&dppid=65193>

TopCops on the Internet <http://www.topcops.com/>



Submitted by TopCops on the Internet member and my dear friend from the United Kingdom

## The Vikings Invade Scotland (again!) Submitted by TopCops Member, Tom McNally

On the 10th September the Vikings arrived from Denmark in the form of eight Danish Police Officers and motorcycles. The group, led by Ch Superintendent Bent Nielsen, were met and escorted over the Border before touring the Scottish Borders Region. Later that evening they experienced the delights of Edinburgh's nightlife.

The following four days consisted of a tour of the Highlands of Scotland in the company topcops member Inspector Tom McNally of the Lothian and Borders Police, based in Edinburgh .

The weather was kind and scenery stunning as they cruised through the mountains and Lochs of the West Highlands. The route took them from Edinburgh, Inveraray, Glencoe, Fort William, Gairloch, Ullapool, Aviemore and back to Edinburgh. Ch. Supt Bent Nielsen said " The scenery is amazing coming from a country that has only one small mountain. Thanks to our Scottish friends we visited the right places and they even arranged the good weather"

It would not be a Scottish tour without visiting a couple of distilleries en-route and the group managed to make time to visit the Dalwhinnie and Glen Ord distilleries.

It is hoped that a return visit to Denmark will be arranged in the spring. If you are thinking of a motorcycle tour feel free to contact Tom who can give you good advice on accommodation and places to go.

*The castle in the picture above is Eilean Donnan Castle, the seat of the Clan MacRae in the West Highlands. This is the most photographed castle in Scotland*

### Law Enforcement Death and Destruction - Preventable With Trooper Trap

*Houston officer killed, Indiana lady shot self, stolen Georgia police car, are just a few headlines which were all preventable. Police departments need to look at pro-active instead of re-active or no-active.*

Oklahoma City, OK (PRWEB) October 2, 2006 -- During this past week a Houston police officer was tragically shot and killed by a prisoner who sat in the back seat of a police car, a police car in Atlanta Georgia was stolen by a female prisoner, and a lady in Indiana shot herself in a police car while police talked to her male friend. All of these situations plus hundreds of other reported escape events every year have one thing in common - they were all preventable.

A patented prisoner seatbelt alarm called Trooper Trap was invented by an Oklahoma law enforcement officer to prevent prisoner escapes, stolen and damaged police cars. Trooper Trap assists officers by sounding an alarm on the outside of the police car as soon as a prisoner releases the seatbelt. This allows officers to know immediately the prisoner is no longer secured in the seatbelt.

Officer safety and making sure officers go home alive at the end of their shift is the key. Trooper Trap is the next best thing to having a partner in the patrol car honking the horn if the prisoner releases the seatbelt. Trooper Trap offers a FREE test and evaluation period. For more information about Trooper Trap visit [www.troopertrap.com](http://www.troopertrap.com).

*The End*