

CHEYENNE HERALD

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And a Merry Christmas to you, too!

A city police officer, in his police car, ran a red light and broadsided a Cheyenne resident's SUV. The officer admitted fault. But, the victim was then told that the city does not have "normal" insurance and she may not be paid for her damages and injuries.

A local resident was traveling westbound on 20th St., alone after having just dropped a child off in another part of town. She approached Logan Avenue at a little less than the speed limit, 30 mph, with a green light in her favor. (Measurements showed she was traveling about 28 mph.) The light was green as she advanced on it and remained green as she entered the intersection. There was no sun in her eyes (it wasn't setting yet at that time of afternoon) and she was not on a cell phone. In fact, she does not have a cell phone. She was not distracted in any way. No loud radio blaring. She was not changing radio stations. She had no children in the vehicle squabbling or in need of attention. She was alone and she was driving in a safe and prudent manner.

Then, all of sudden, without warning, a Cheyenne police vehicle (a GMC Sierra) plowed into her driver's side. The police officer was traveling without lights or siren and was driving at about the speed limit himself (measurements showed 30-32 mph). The police car was going north on Logan Avenue, up the incline from 19th St., at 3:30 last Friday afternoon (December 4th). Traveling north, there was no sun in the police officer's eyes either, of course.

Was the officer distracted? Was he talking on a cell phone? Was he using his police radio? The victim does not know. She did not see him approach her vehicle as she had the right-of-way and was proceeding through a green light driving toward downtown. She thought she may have heard a car horn sound but she's not sure and doesn't know, if she did, whether it was another motorist or the officer.

Her car was struck on the driver's side so she could not exit her vehicle quickly. The officer approached her car after he ran into her and asked, politely and with concern for her well being, if she was all right. He then said to her, "I can't even tell you what I was thinking."

The officer is no rookie. He is nearer retirement age than the other end of his employment. He is a longtime member of the local mounted patrol and the victim believes he is a resource officer at one of the local schools.

He was candid and honest with her from the start. It may have been glaringly obvious that he was at fault because of the

position of both cars after the collision.

The victim's vehicle is a 2000 Chevy Blazer and it is black - very visible in daylight hours. Airbags did not deploy in either vehicle. She thought the police vehicle was "totalled" and she is awaiting word on whether her Blazer can be fixed. If it can, and that is probably unlikely, the damage is about the value of the SUV.

She was not badly injured - no cuts or bleeding - and she was not transported to CRMC by ambulance. Later, she did go to ER because her back was hurting and the diagnosis was a "swollen disk."

Within twenty minutes, other Cheyenne police officers, deputies of the Laramie County Sheriff's Office and the City's risk management guy were at the scene. No one tried to hedge about who was at fault. The police officer was at fault and the City's risk management person said to her, that there was "no doubt on fault."

When the police officer called 911, he was told that others had also called in the accident. Chances are their comments, recorded at 911, were to the extent that, "a police car just ran into a woman's SUV at 20th and Logan and she had the green light." Hopefully, the City's quasi-insurance carrier, Wyoming Association of Risk Management (WARM) won't stall or duck settlement of this woman's claim(s) as they have done several times in the past when city-owned vehicles have been involved in accidents in which the city employee (driver) was clearly at fault.

On Monday, the victim called the same risk management employee (there is only one for the City of Cheyenne) and he shuffled the responsibility for handling her claim to the WARM office. The guy told the victim that the process would start with her filing a Governmental Claims Form and he would send her such a form the same day. He mailed it the following day.

The woman has insurance with Progressive and they have been understanding, cooperative and helpful. But, the one immediate need she had, in addition to medication for her pain, was a vehicle to get to and from work and transport the six children in her household.

She does not have rental car coverage (do you?) so Progressive couldn't help her with that. Her agent said she should

call WARM. She had spoken with a woman at WARM three times previously and had been treated courteously. The fourth time was different. And the victim was calling the fourth time because Progressive had told her to. What the Progressive agent should have done was better explain the need to call WARM again. The victim needed to explain to the woman at WARM that she did not have rental car coverage and what would WARM do to help her access a rental car?

Before she had a chance to explain the reason for her call, the WARM gal told her that her insurance agent had contacted WARM and she was not going to talk with both of them - that the matter was in the hands of a Progressive agent. But, it wasn't. The vehicle damage was but the question of a rental car was not.

What bureaucrats like the woman with WARM don't understand or appreciate is that "civilians" don't encounter these problems on an everyday basis. A horrific accident like this one occurs seldom, thank God. WARM is, basically, a public agency. The money for that insurance pool comes from tax dollars. When the WARM office communicates with risk management employees at municipalities and counties, they can be as rude and snide as they want because everyone involved is feeding at the public trough.

But when a private citizen contacts WARM, patience and compassion should be a primary concern. Not rudeness.

Both verbally at the scene and in a letter the victim received from Cheyenne's risk management employee, there was what appears to be a deliberate effort to confuse her. Even after telling the victim at the scene that fault was not in doubt, the letter suggested that there was a question as to whether her claim would be paid. That shouldn't be a concern but I've reviewed several case files when a city vehicle ran into a resident's vehicle and an attorney for WARM stalled, obfuscated and dodged reasonable and fair settlement of the claims. That attorney went so far as to challenge an innocent victim's credit record and whether he had received a garnishment notice. Neither had anything to do with the accident in which a city employee, driving a city vehicle, was clearly at fault. In that case, the city employee was cited and that attorney tried to keep that fact from trial.

In each of the three cases I reviewed, the City (through WARM) delayed settlement for years, filed motions, scheduled hearings and otherwise interfered with an honest and prompt settlement, only to settle the matter eventually and then seal the file with a confidential settlement. That behavior is unconscionable.

The victim in this case works full-time at one of Cheyenne's most popular restaurants. She and her significant other, who also works full-time, now share a vehicle. A vehicle that is not large enough to transport the six children who are in the household. At this point, as the Herald goes to press, the victim expects she will have to cancel her planned Christmas trip out of town with the children because WARM has made no promise to do the right thing. The right thing is to admit fault and arrange, or have Progressive arrange with promise of reimbursement, a rental vehicle. If her Blazer is totalled, she will receive an amount that will cover an outstanding loan and little more (you never make out when a vehicle is "totalled" in an accident). That could take until after Christmas. If her vehicle is repairable, and that may take days to determine, repairs will take days to weeks.

In our conversation, she made a very legitimate point. She feels victimized all over again. The police officer who was at fault will not be without transportation. She will be. His holiday plans will not be interrupted. Hers may be. He will not be financially hurt. She will be, already has been. The police officer was not even cited for failure to yield the right-of-way. The victim was told he would receive "demerits" as though that's the same as a citation would be to a civilian.

The victim does not want a chunk of money or medical care for a back injury that may worsen. She just wants a rental vehicle so she can get around and make her family Christmas trip as scheduled. She should not have to advance her money or use her credit card to rent such a vehicle when a city police officer was solely responsible for the collision that took her vehicle away and put her on foot.

Advice to WARM from the Cheyenne Herald: Authorize rental of an appropriate vehicle, have it billed to WARM and treat this victim as though she were the mayor's daughter. Your insured caused the accident. There is no way around that fact. Make it right for the victim.

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